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Thursday, 13 February 2003, 3.30 p.m.

New York

President:	Mr. Pleuger	(Germany)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	France	Mr. De La Sabliere
	Guinea	Mr. Cheick Ahmed Tidiane Camara
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mrs. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo.

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03-24609 (E)

The meeting was called to order at 3.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President: I should like to inform the Council that I have received letters from the representatives of the Democratic Republic of the Congo and Rwanda, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table; Mr. Muvunyi (Rwanda) took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights.

There being no objection, it is so decided

I invite Mr. Vieira de Mello to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

The Security Council will now hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, to whom I give the floor.

Mr. Guéhenno (*spoke in French*): The last briefing to the Security Council on this item on 15 January 2003, focused on the situation in the north-east of the Democratic Republic of the Congo, in particular, on military and humanitarian questions.

The aim of today's briefing is to update Council members on the military situation in the north-east and on the initiatives undertaken by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other actors to reach a peaceful settlement to this conflict which is ravaging that part of the Democratic Republic of the Congo. The United Nations High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, will give a briefing on human rights in the region. A more complete briefing on the Democratic Republic of the Congo and on the activities of MONUC will be given to the Council on 26 February.

Allow me to take advantage of the opportunity offered by this briefing to say a few words about the activities of the Special Envoy of the Secretary-General, Mr. Niasse. In support of the efforts of the facilitator to convene the final session of the inter-Congolese dialogue, the Special Envoy of the Secretary-General, Mr. Niasse, together with South Africa, has convened two technical committees, which will meet from 20 to 25 February to discuss the issues still pending: essentially, finalizing the transitional constitution; and military and security questions. Mr. Niasse is convinced that the parties could now begin to discuss those issues and that the convening of the final session of the inter-Congolese dialogue should not depend on the prior settlement of those issues.

Mr. Niasse went to the Democratic Republic of the Congo from 4 to 10 February to consult with the Congolese parties and to prepare for those two meetings. The facilitator of the inter-Congolese dialogue, His Excellency Sir Ketumile Masire, is convinced that it would be very useful for the Security Council to encourage the parties to cooperate fully with Mr. Niasse so that agreement can be reached swiftly on

outstanding issues' so that the inter-Congolese dialogue can hold its final session as soon as possible.

(*spoke in English*)

I would now like to turn to the main object of this briefing: an update on the military situation. As members of the Council are aware, there has been continuous heavy fighting in and around the Ituri region since October, despite the signing of the all-inclusive agreement on 16 to 17 December. In December, the Mouvement de libération congolais (MLC) and its ally, the Rassemblement congolais pour la démocratie-mouvement de libération (RCD-ML), stepped up major offensive operations in the direction of Beni, North Kivu, against the forces of the RCD-K/ML, reportedly with the participation of some forces belonging to the Union de patriotes congolais (UPC), and they captured the town on 17 December. Thousands of people were displaced and suffered human rights abuses as a result of the fighting.

Subsequently, MONUC — with the strong support of the Security Council and of its five permanent members, plus the Belgian and South African ambassadors in Kinshasa — was able to conclude its efforts to broker a truce, which was signed on 30 December in Gbadalite. The truce provided for the withdrawal and disengagement of forces and access for humanitarian relief. The MLC withdrawal from the Mambasa-Komanda area commenced in earnest only on 6 January and, while behind schedule, was completed on 3 February. Subsequently, in a worrying development, the UPC — which was not a signatory to the Gbadalite agreement — took over Komanda. MONUC has placed a military observer team in Mambasa and, having carried out preliminary reconnaissance to Komanda, anticipates establishing a team there when suitable security conditions prevail.

The Special Representative and the Force Commander have both urged the UPC to withdraw from its newly acquired positions, but to no avail. Instead, UPC forces have continued their advance and have been seen as close as 25 kilometres east of Mambasa. It is reported that, on the road between Bunia and Komanda, UPC forces have established 14 checkpoints, at which soldiers demand money from each person who passes through. It also appears that the UPC has significantly reinforced its military capacity in recent months, including through the recruitment of child soldiers and the acquisition of military equipment.

MONUC is deeply concerned about the claims of the UPC leader, Thomas Lubanga, that he had the sole legitimate right to control the entire Ituri region. His actions in support of those claims would inevitably bring his forces into conflict with those of the RCD-K/ML. As Council members may be aware, the UPC is now aligned with the RCD-Goma. It has been alleged that Rwanda also backs the UPC. The RCD-K/ML is, on the other hand, being supported by a sizeable number of FAC troops, possibly up to a battalion, recently deployed in Beni.

In addition, at a press conference in Kampala on 12 February, a prominent Ituri leader, Chief Kawa, announced the formation of a new Hema-Lendu grouping, the Front pour l'integration et la paix, opposed to the UPC — and called for the retention of Ugandan forces in Ituri. Hence, any further conflict in the area has major regional implications beyond the immediate environs.

Meanwhile, at the southern end of the territory controlled by the RCD-K/ML, the RCD-Goma has probed north of Kenabayunga, about 50 kilometres from the border between the Democratic Republic of the Congo and Uganda, most likely in the context of a standing aspiration to see Kenabayunga as part of RCD-Goma territory. An attack on the RCD-K/ML — with its implications in Uganda's eyes for RCD-Goma and a Rwandan presence close to Uganda's border with Ituri — or conflict arising from the increasing tensions between forces of the UPC and of the Uganda People's Defence Forces (UPDF) in Ituri itself, could trigger a UPDF military response.

I turn now to the political aspects of the situation in the north-east. It should be emphasized that the situation in that part of the Democratic Republic of the Congo is now — even more so — one of growing concern. The importance of a political solution to underpin any military disengagement and ceasefire is key. MONUC has been working hard in the past weeks to defuse tensions and to recommend peace-building mechanisms. The Special Representative has met with President Museveni in Kampala, with Foreign Minister Miranda in Rwanda and with Special Envoy Mazimhaka in Kigali. The Force Commander is now in Bunia, urging restraint in what has evolved into not only a dangerous situation for Ituri-based groups, but

also what may prove to be a new possible flashpoint between Uganda and Rwanda. In that context, President Museveni told the Special Representative of the Secretary-General in Kampala that he will not tolerate the intransigence of the UPC.

While MONUC has continued to meet political players in Bunia to organize a local-level ceasefire leading up to a convening of the Ituri Pacification Committee (IPC), as stipulated in the Luanda Agreement, President Dos Santos of Angola sent his Special Envoy to Dar es Salaam on 9 February for a two-day meeting with Presidents Kabila and Museveni. UPC leader Lubanga also travelled to Dar es Salaam and met separately with President Museveni.

At the meeting between Presidents Kabila and Museveni, the Foreign Ministers of Uganda and of the Democratic Republic of the Congo signed an amendment to the Luanda accord allowing for a new timetable for the work of the envisaged Ituri Pacification Committee. Under the new timetable, the preparatory committee for the IPC — composed of two representatives each from the Government of the Democratic Republic of the Congo, the Government of Uganda and MONUC, and four representatives from the parties represented on the ground in Ituri — is expected to commence its work on 17 February and to conclude it by 20 March. That will be followed or accompanied by the total withdrawal of Ugandan troops from the Democratic Republic of the Congo. It is expected that a ministerial-level meeting will be held in Luanda on 14 February to set up the modalities of implementation of the Ituri Pacification Committee. MONUC is continuing its efforts to bring together a wide cross-section of local parties in Ituri to support the process.

I shall now touch briefly on the human rights situation, which the High Commissioner for Human Rights will describe in more detail. Council members will recall that preliminary findings of the MONUC multidisciplinary team, which was sent to the Beni area to investigate allegations that serious human rights violations had occurred in Mambasa town, were presented to them during my briefing on 15 January. The team worked closely with the Office of the High Commissioner for Human Rights in facilitating and aiding the latter's investigation into the events that had taken place during the MLC-RCD-N offensive in the north-east. More details have subsequently been shared with the Office of the High Commissioner for inclusion in the High Commissioner's report.

Looking ahead, let me conclude my briefing with some thoughts for the Council's deliberations on MONUC's future role in the area of human rights, especially in the light of the all-inclusive agreement of 16 to 17 December. In that context, we recognize the leading role played by the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo, and we wish to support his efforts as closely and with as much vigour as possible. Ultimately, if there is no end to the present culture of impunity in the Democratic Republic of the Congo, the progress we seek on the political front may be hard to achieve. The Council may wish to consider how to ensure that more attention be paid to human rights in the Democratic Republic of the Congo. The Department for Peacekeeping Operations and MONUC, which has a human rights component, will, in coordination with the Office of the High Commissioner for Human Rights, strive towards that end.

The President: The Security Council will now hear a briefing by Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights, on whom I call.

Mr. Vieira de Mello *(Spoke in French)*: The briefing that I am presenting today complements that just provided by Mr. Jean-Marie Guéhenno and responds to a press statement by the President of the Security Council dated 15 January 2003 (press release SC/7634), in which Council members condemned in the strongest terms the massacres and systematic violations of human rights perpetrated in the Ituri area. That very same day I was completing my own mission in the Democratic Republic of the Congo, and I asked my office in the Democratic Republic of the Congo and colleagues in the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to ensure immediate follow-up of the Council's request, through continued observation of the situation in that region of the Democratic Republic of the Congo.

Beyond the brief comments that I will be making on the human rights situation in the Democratic Republic of the Congo, my Office has also prepared a more detailed report on the matter, and I will be pleased to share it with members if they so wish.

In general, the Government and other parties to the conflict continue to commit grave violations of human rights. This is alarming, and as my colleague just said, could be a threat to the peace process, which remains fragile. The Government and the leaders of rebel groups, have admitted that there are massive violations of human rights. Nonetheless, the impunity with which these grave violations are committed, in particular by high officials of the Government army and commanders of the various rebel forces, represent a major obstacle to promoting human rights and lasting peace in the Democratic Republic of the Congo.

The humanitarian situation, which is already very difficult, is deteriorating further because of the many obstacles to access by humanitarian workers to impoverished populations, many of whose members have been forced to flee their villages and seek refuge in inhospitable forests in the eastern part of the country. As members know, those regions are under the control of rebel groups. The warring parties are not allowing humanitarian organizations to enter the areas under their control. It is therefore vital to facilitate access and to provide the assistance that humanitarian workers provide to the populations displaced by the conflict.

The economic interests which are at the root of the continued plundering of natural resources and of State revenues remain a factor of destabilization and are contributing to conditions of anarchy and grave violations of human rights in the eastern part of the country. The rapid deterioration of the economy, exacerbated by the continuation of the conflict, is another real concern. The sharp reduction in household income has lead to widespread corruption within the judicial system, the armed forces and the police, and among teachers, heads of schools and members of medical services, making the public administration as a whole ineffective, as I have been told by the President of the Republic, Mr. Joseph Kabila, himself.

As members are aware, at the end of last year MONUC dispatched a team to the Beni region to conduct an inquiry into allegations of serious violations of human rights — summary executions, rape, torture, forced disappearances — reported to have been committed in Mambasa and in villages between Mambasa and Mangina and between Mambasa and Erengeti. The team confirmed the use of plundering, murder and rape as premeditated instruments of war by the forces of the Mouvement de libération du Congo (MLC) and the Rassemblement congolais pour la démocratie-national (RCD-N) in October 2002 and during recent clashes in December 2002 with the support of soldiers of the Union des patriotes congolais (UPC). The Nandé ethnic group were targeted for summary execution as well as certain pygmies who were forced to flee into the forest for the first time, accused of collaboration with the RCD-Kisangani/Mouvement de Libération (RCD-K/ML).

Victims and witnesses have described many cases of mutilation followed by acts of cannibalism. The special MONUC investigation team interviewed more than 500 persons who had fled to Beni, Butembo, Mangina, Oicha and Eringeti. The most shocking violations of human rights described in that testimony include 220 arbitrary executions, 95 cases of rape, 122 cases of forced disappearance, 102 unaccounted-for family members including children, 32 cases of torture and abuse and more than 100 cases of kidnapping for forced labour.

(*spoke in English*)

The systematic looting of all buildings, including hospitals, churches and individual homes, was also confirmed during the visit of the team to Mambasa and Mandima and to me, during my visit to Kisangani, where I met with representatives from different parts of the eastern Democratic Republic of the Congo.

The planned military operation carried out by forces of the MLC was called in code "Effacer le tableau". My written report provides more details on this. The MLC leader has admitted to the veracity of the charges and promised to prosecute those suspected of having committed these crimes. According to reports, 27 officers have been arrested, and their trial is scheduled to take place starting on 18 February 2003. While welcoming the fact that there is at least acknowledgement of responsibility, which is fairly unusual in this kind of situation, I have not agreed to a request that my office in Kinshasa observe these trials, as the rebel military judicial system lacks legitimacy and does not conform to international legal and human rights standards, as far as we can tell. In my opinion, such crimes should fall within the jurisdiction of the transitional justice mechanism that will be put in place in accordance with the Pretoria Agreement of 16-17 December 2002.

The crisis around Beni/Mambasa, apart from these horrendous and systematic atrocities, has led to

the displacement of well over 100,000 people. In early January 2003, in close partnership with non-governmental organizations (NGOs), the Office for the Coordination of Humanitarian Affairs, the World Food Programme and MONUC participated in humanitarian assessment missions to the area. By mid-January, many of the displaced had begun to return towards Mambasa and Eringeti, but large numbers had dispersed into the forest where access is difficult, if not impossible. Food insecurity was a predominant concern. The assessment of humanitarian teams was that if the security situation did not improve, displaced persons would be unable to tend their crops, and longer-term food availability could be even more difficult and could have tragic consequences for those people.

A recent mission to Bunia confirmed gross violations of human rights, including group rapes of women, extrajudicial executions and the looting and burning of homes. In Nyakunde, well over 2,000 killings were reported, and the population has again fled into the forest. Similar atrocities have been reported in Kindu, and group rapes appear to have been frequently carried out in the Kivus.

In the areas controlled by the UPC since August 2002, the human rights situation has also deteriorated significantly. Information gathered reveals that persecution on ethnic and tribal grounds, extortion of property, rape and other forms of sexual violence against women, extrajudicial executions and the forced recruitment of children are being committed by military personnel of the Union des patriotes congolais-reconciliation et paix (UPC-RP). This situation has caused thousands of civilians again to flee south from Bunia to Irumu, Mambasa and Beni, thereby increasing the number of internally displaced persons in that region. Following the December 2002 events in Mambasa, these internally displaced persons had to flee southwards for a second time towards the towns of Eringeti and Oicha in the Beni region. Mass graves have also been identified in several places in Bunia.

The past months in the district of Ituri have also been marked by massive human rights violations. In the Bunia area, manhunts and reprisals on ethnic grounds continue to be reported. It is alleged that the UPC-RP is fuelling this crisis. It should be noted that, as pointed out by Jean-Marie Guéhenno, the UCP-RP did not participate in the inter-Congolese dialogue, which took place in Sun City.

In conclusion, my overarching and pressing recommendation to the Security Council is that there is an imperative need to continue to monitor closely and report on the human rights situation in the Democratic Republic of the Congo because of the implications the situation is having and, if unchecked, will continue to have on efforts to restore peace and security in the country.

The Council may wish to demand again that the belligerents and their foreign supporters put an immediate end to human rights violations and to the culture of impunity, and that those responsible for such crimes, including those who continue to exercise military command functions, be immediately arrested and eventually brought to justice. Likewise, I expect that the Commission on Human Rights, through its Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, will continue to monitor the situation closely. The Special Rapporteur will shortly be visiting the Democratic Republic of the Congo before reporting to the Commission at its upcoming fifty-ninth session.

In my written report, I have named three senior officers of the RCD-Goma who are alleged to have been involved in the 14 May 2002 massacres and who have not been brought to trial. Indeed, two of them have since been promoted, and I have raised this with senior RCD-Goma leaders who met with me in Kisangani last January. As regards the MLC military officers involved in the crimes referred to earlier, their names should be obtainable as their leader has reportedly placed them under arrest. I also named the commander of the Government forces allegedly involved in human rights violations during the incident which took place in Ankoro in the province of Katanga on 10 and 11 November 2002, as well as leaders of rebel groups who should be held responsible for gross violations which have been committed by officers and men under their control. Efforts must be made to prevent their integration into the Pretoria Agreement transitional mechanisms until their names have been cleared through a credible judicial process or enquiry.

The Council might also wish to ensure that the Pretoria peace process is based on solid human rights grounds and that, concurrently, effective judicial and national human rights protection systems are created or strengthened in the Democratic Republic of the Congo so as to assure the success and sustainability of that process. In this regard, consideration should perhaps be

given to the establishment of an international commission of enquiry to look into all serious human rights violations committed by all sides. It is critical for the future peace of the Democratic Republic of the Congo that those responsible for these acts be held accountable.

I would urge the Council, finally, to call for the effective implementation of the sections of the Pretoria Agreement calling for a national observatory on human rights and a truth and reconciliation commission, not least in order to ensure that the voices of the victims are fully and loudly heard.

To conclude, my Office stands ready, as is the Department of Peacekeeping Operations, to continue to assist — needless to say, in close partnership with MONUC — in strengthening our monitoring and reporting capacity in the Democratic Republic of the Congo, as well as in expanding its support and activities during the transitional process in those areas with a human rights dimension. Perhaps all of them have such a dimension, and a clear mandate from the Security Council would undoubtedly strengthen my officers' and MONUC's ability to play fully their role in bringing about, in a Democratic Republic of the Congo which is at peace, democratic institutions that are solidly grounded in the rule of law, accountability and human rights for all.

Mr. Khalid (Pakistan): We are grateful to Under-Secretary-General Guéhenno and the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for their briefings on the horrendous events in the Democratic Republic of the Congo. We condemn all abuses of human rights which have been perpetrated in the Democratic Republic of the Congo. The crimes mentioned today are, indeed, unacceptable. The perpetrators of these crimes must be brought to justice.

The irony is that such reports of fighting and atrocities are coincidental with good news about the political process, including the recent summit between the leaders of the Democratic Republic of the Congo and Uganda, and with progress in the formation of a transitional national Government. There is thus a disconnect between the success of the political process and the deterioration in the situation on the ground.

To date, over 2.5 million people have died in the conflict in the Democratic Republic of the Congo. Many more will die as long as the fighting persists. Civilians have been both the direct and the indirect victims of this conflict. In spite of agreements and even progress in the implementation of those agreements, the situation on the ground remains one of serious concern. It is also a matter of serious concern that the continuing fighting will destabilize the situation and dangerously undermine the peace process. In our view, the time has come for the international community to take stock of the situation and to take bold decisions.

We would like here to raise some questions, which are directed to Mr. Vieira de Mello as well as to the members of the Council.

What we need is a commitment from all sides to guarantee the safety and well-being of civilians in the Democratic Republic of the Congo and to ensure that such atrocities are not repeated. How can we secure this objective? What efforts can the international community and the regional actors undertake to make all the parties refrain from violence and to urge them instead to seek a negotiated solution to their outstanding problems? As part of these efforts, could the Security Council possibly consider the further strengthening of the United Nations Organization Mission in the Democratic Republic of the Congo beyond the present phase III expansion and, at the same time, make its mandate and presence more robust?

Mr. De La Sablière (France) (*spoke in French*): I thank Mr. Vieira de Mello for his visit to the Democratic Republic of the Congo from 12 to 15 January and for having come here to present us with his conclusions. I also thank Mr. Guéhenno for his briefing.

The information conveyed to us by Mr. Vieira de Mello is extremely disturbing, in particular as regards the situation in the eastern part of the country. It is certainly dire with respect to the governmental sector. The death sentences are unacceptable, as the High Commissioner has already told the Kinshasa authorities. The European Union has taken steps in that regard. The atrocities committed in the East — in Kivu and now in Ituri, as just described to us — are of a gravity rarely achieved.

France supports all of Mr. Vieira de Mello's comments. The fighting and abuses are unacceptable, all the more so since the Pretoria Agreement now offers political prospects. The culture of impunity must not be entrenched. In echoing the principal messages from the High Commissioner for Human Rights,

France, together with its partners on the Security Council, will be preparing a presidential statement in the days to come.

It seems necessary in particular to condemn the atrocities that have been committed and to call upon the parties to identify without delay those who are responsible and bring them to justice. It will also be necessary to send an unambiguous message to the parties to the effect that by the end of the month they must have arrived at solid decisions of principle with regard to the constitution and to ensuring that the transition takes place in a climate of security. If that does not happen, the hopes that arose as a result of the Pretoria Agreement will be dashed.

In conclusion, I wish to put a question to Mr. Vieira de Mello. We note with satisfaction that the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Ms. Motoc, will be travelling to that country at the end of the month. We would like to know whether she will be giving priority to the east of the country, which would seem desirable. Furthermore, will other special rapporteurs — for example, Ms. Jahangir, the Special Rapporteur on extrajudicial, summary or arbitrary executions — be going to the Democratic Republic of the Congo again?

Mr. Konuzin (Russian Federation) (*spoke in Russian*): We would like first of all to thank the Under-Secretary-General, Mr. Jean-Marie Guéhenno, and the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for their detailed briefings.

The situation in the Democratic Republic of the Congo continues to be a source of serious concern. After the seeming success of the conclusion of the agreement on the cessation of hostilities between the parties involved in the conflict and between the States of the region with regard to the withdrawal of troops and the development of confidence-building measures, armed clashes have again broken out in the east and north-east of the country.

Unfortunately, we are obliged to note that the inter-Congolese dialogue has bogged down. The agreements reached on the basic composition of the transitional Government, the national assembly and the prerogatives of the Vice-Presidents do of course inspire a certain optimism. However, it is clear that not all the parties that signed the Agreement are satisfied with the roles given to them in the new Government. Some of them are continuing to put forward demands that are clearly excessive, reinforcing them by force of arms. Nor is optimism inspired by the continuing rumours that in the conditions of the political and military destabilization in the Democratic Republic of the Congo, certain non-Congolese gamblers are trying to strengthen their influence with the groups that they support and to gain an advantage for themselves, which in turn threatens unpredictable consequences. Such a situation would, of course, lead to an acute deterioration in the already catastrophic humanitarian situation, accompanied by mass human rights violations.

In this connection, we would like to recall that almost all Security Council resolutions and presidential statements on the Democratic Republic of the Congo contain paragraphs obliging the hostile parties to provide every assistance to international humanitarian and legal defence organizations. However, as we are increasingly convinced, the situation remains very worrying, above all because the parties participating in the conflict are continuing to place various obstacles in the way of ensuring the normal functioning of international organizations. Such a state of affairs must be brought to an end.

Mr. Williamson (United States of America): I would like to thank the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, for his briefing.

The ongoing violence and tensions in Ituri are reasons for grave concern. The dangerous and violent situation in the east and north-eastern part of the Democratic Republic of the Congo is a threat to the fragile peace process. The promise of political progress in recent months unfortunately has not been fully translated into reality on the ground. The United States appreciates the good work of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the continuing attention of Under-Secretary-General Guéhenno to the Democratic Republic of the Congo.

I would also like to thank the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello, for his briefing. What we have heard today about the catastrophic human rights situation in the Democratic Republic of Congo, and the atrocities committed by various armed factions, tragically reaffirms that we must keep human rights at the centre of our efforts to

foster a lasting peace and a new transitional Government in the Democratic Republic of the Congo.

In its statements and resolutions, the Security Council has repeatedly pressed the Congolese parties and foreign Governments involved in the conflict to respect international human rights norms and the relevant provisions of international humanitarian law. The United States Government has affirmed those statements in bilateral messages to the parties.

But there are no quick answers. It is too easy for individuals in the Government of the Democratic Republic of the Congo to evade personal responsibility when Government institutions themselves are corrupt and dismissive of human rights concerns. Leaders of the armed groups and Congolese military can too easily blame the fog of war for the atrocities that do come to light.

The Security Council must work to ensure that the Congolese parties make human rights protections a priority as they build a new transitional Government. Equally important, the Council must work to ensure that the implementation of peace agreements is not bought at the price of letting those responsible for atrocities — such as those in Kisangani, Kindu and Ituri province last year — escape real justice.

To help the Congolese parties as they create a new Government structure for the Democratic Republic of the Congo, my delegation would welcome the thoughts of the High Commissioner on Human Rights on how the international community and the High Commissioner's Office can assist the Congolese parties to build stronger human rights institutions as part of a future transitional Government. Has the High Commissioner's office in Kinshasa been asked to provide technical advice to the parties as they form new Government institutions?

Related to these questions is the issue of whether there are measurable benchmarks the Security Council and the international community can reasonably expect from a new transitional Government in the Democratic Republic of the Congo. Are there specific institutions to be created or governmental actions taken that the Council should expect to see from a transitional Government that wants the Security Council's blessing and active support?

The view of the United States delegation is that MONUC's human rights office is effectively carrying out its monitoring and reporting functions. My delegation would welcome the High Commissioner's thoughts on how effective MONUC's human rights office has been up to now. Should MONUC have a more proactive role on human rights issues? What role should MONUC have, for example, in working with the parties to a transitional Government on human rights issues?

The United States delegation listened with shock and revulsion to the High Commissioner's comments on the atrocities committed in Ituri province last fall by troops of the Mouvement national de libération du Congo (MLC) and its ally, the Rassemblement congolais pour la democratie (RDC) — National — shock at the continuing suffering inflicted on the people of the Congo by those who claim to want to protect the country, and revulsion that members of an armed faction which intends to take power in a future Government could engage in such acts of torture, rape, killing and cannibalism.

The United States Government and the Security Council condemned those atrocities. The Council has held Jean-Pierre Bemba, as the head of the MLC, personally responsible for taking action against those who carried out those horrific acts. There can be no impunity.

The United States Government will follow closely the trials that Mr. Bemba has promised to hold of those he has alleged are responsible for these atrocities. Anything less than a full, transparent legal proceeding that leads to serious consequences for those responsible will call into question Mr. Bemba's commitment to upholding human rights and will make it difficult for the United States Government to work with him in a future Government of the Democratic Republic of the Congo.

We would welcome the High Commissioner's views on ways in which his Office can work with MONUC to ensure that the trials conducted by Mr. Bemba are thorough and fair. We are disappointed to learn that the High Commissioner for Human Rights does not intend to have his Office monitor or attend the trials. Is there any technical assistance that MONUC and/or the High Commissioner's Office could provide? Are there steps that the international community and the Security Council can take?

We are also deeply concerned about the lack of follow-up by the Rassemblement congolais pour la

démocratie (RCD)-Goma to the mass killings in Kisangani last May. After then High Commissioner Mary Robinson reported to the Security Council last summer, the Security Council condemned those responsible and demanded that RCD-Goma take measures to bring the perpetrators to justice. The Commission on Human Rights adopted its own resolution requesting the Special Rapporteur on the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions to carry out a joint mission to the Democratic Republic of the Congo. The High Commissioner's Office was asked to provide technical expertise to the mission. RCD-Goma representatives have stated that they are solely responsible for arresting and bringing to trial fellow members who took part in the killings in Kisangani. But the United States Government has seen no further action from RCD-Goma. That is unacceptable behaviour from an entity that wants to be part of a future Government of the Democratic Republic of the Congo.

The United States would appreciate any information the High Commissioner could provide on follow-up actions by RCD-Goma and on the status of any investigations by the Special Rapporteur on extrajudicial executions.

Responsibility for investigating these crimes and violations of international humanitarian law lies with the leadership of the factions responsible, just as the responsibility for guaranteeing the human rights of the Congolese people lies now with the political and military leaders claiming a role in a new Government of the Democratic Republic of the Congo. We must remain vigilant that none of them evade their responsibility. That is critical if transitional justice is to be achieved, and transitional justice in turn is necessary for building a new, sustainable, peaceful society in the Democratic Republic of the Congo.

The United States can support the elements of a press statement as outlined by the High Commissioner for Human Rights. The Security Council must lend its voice and its support to the human rights standards we embrace. It must not allow an environment of impunity to continue, and it must support the High Commissioner for Human Rights and MONUC in their efforts to change this devastating situation.

Mr. Thomson (United Kingdom): We thank Mr. Guéhenno for his briefing, which made clear, first, that the parties are continuing down the military path and, secondly, that there are severe human rights abuses associated with that. We are also most grateful to Mr. Vieira de Mello for his briefing, which provided the Council with useful additional perspectives on the situation in the Democratic Republic of the Congo, which is complex. We find it very helpful indeed that when the Council addresses complex country situations we can hear from the full spectrum of United Nations expertise and can draw on its advice in reaching Council decisions.

Like others, we condemn the atrocities carried out in Ituri, along with all other abuses of human rights and international humanitarian law throughout the Democratic Republic of the Congo. And, like other speakers, we call on the parties to investigate all such abuses and bring the perpetrators to justice. We shall need to continue to focus on the cases mentioned by the High Commissioner for Human Rights.

We must condemn the failure by the parties to give up the military path. The peaceful political way forward is already clear. Continuing military activities and the provision of military support from inside or outside the country are totally unacceptable. It is time for all parties to start meeting their responsibilities towards the people of the Democratic Republic of the Congo. That means halting all military activity, certainly; moving ahead with implementation of the Pretoria global accord, certainly; but also protecting the human rights, security and well-being of all those in the areas under their control. We think that it must be by those standards and not by military strength that the international community — and not just the Congolese people — will judge the claims of those looking to play a role in the future Government of the Democratic Republic of the Congo.

I would like to recall the Council's continuing focus on the protection of civilians — not least, women and children — in armed conflict. Work must begin now on breaking down mistrust and building the foundations of a unified Democratic Republic of the Congo. And the first step must be reaching agreement on the three issues outstanding from Pretoria, especially the issue of security for the transitional administration.

As Mr. Guéhenno said, any conflict in this area has major regional implications, so regional players too must exert their influence on the Congolese parties to

move forward, and they themselves must refrain from any action that could increase tension. That is crucial. We therefore welcome President Museveni's announcement that forces of the Uganda People's Defence Force (UPDF) will be withdrawn from the Democratic Republic of the Congo by 20 March, and we urge the Government of Uganda to carry out that commitment. We also urge the Government of the Democratic Republic of the Congo to remove its forces from Ituri, and the Government of Rwanda to stop arming the Union des patriotes congolais (UPC). The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should be prepared to provide increased security in Ituri through a strong military observer presence.

The verification role that MONUC performs and the third-party verification mechanism are also crucial. In particular, investigation of allegations must be as thorough, factual and even-handed as possible. That requires the full and immediate cooperation of all the parties.

We have two questions relating to human rights, and I hope that they complement rather than repeat questions put forward by others. As both Mr. Guéhenno's and Mr. Vieira de Mello's briefings made clear, human rights is an area where effective interaction between the civil and the military sides of MONUC is essential, especially given access problems in some of the worst-affected areas. We would be grateful for views on how this is working and on whether it could be strengthened.

My second question relates to the issue of child soldiers, where it is important that we translate the Council's thematic discussions into practical action in specific cases. Early disarmament, demobilization and rehabilitation of all child soldiers must be a priority. We would be grateful to know how this is being integrated into MONUC's activities with respect to disarmament, demobilization, reintegration and repatriation or resettlement.

In conclusion, we would agree with Mr. Guéhenno and Mr. Vieira de Mello that the Council needs to consider further how human rights can be fully respected in the Democratic Republic of the Congo.

Mr. Valdés (Chile) *(spoke in Spanish):* I would like first of all to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and High Commissioner Sergio Vieira de Mello for their detailed briefings on the human rights situation in the Democratic Republic of the Congo.

My delegation wishes first of all to express its concern at the human rights situation in that country, in particular at the atrocious violations of human rights committed in January in the region of Ituri, where grave crimes were perpetrated against the civilian population, including summary executions, mass rape, mutilation, even acts of cannibalism. My country is awaiting with interest the publication of the report of the group of experts that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has sent to the eastern part of the country to corroborate these serious reports of massive violations of human rights.

It is extremely grave to see that at the beginning of this century we can witness such examples of inhumanity and cruelty. We forcefully condemn the systematic violations of human rights committed by the Mouvement de libération du Congo and the Rassemblement congolais pour la démocratie in the region mentioned.

Of equal concern to my delegation is the confirmation in the report of the Secretary-General of the participation of children in armed conflict and of the continued use and recruitment of children by the different factions in the conflict in the Democratic Republic of the Congo. We want to take this opportunity to thank MONUC for its devoted work, especially the work of the unit for the protection of children, in the investigation and condemnation of violations of their human rights.

We wish fully to support all the conclusions put forward by Mr. Vieira de Mello. It seems to us that it is the obligation of the Council to support the idea of an international commission to investigate allegations of human rights violations by all the parties. We also think it is vital to implement the provision of the Pretoria Agreement for a national observatory for human rights and a commission of truth and reconciliation that would make it possible to hear the victims.

We agree that the most effective way of confronting a situation such as the one described is to strengthen the institutions, to give greater legitimacy to the Government authorities, to detain and condemn those who are guilty of violations of human rights and,

as the High Commissioner says, to increase international control over the human rights situation within the country.

The High Commissioner can rest assured of the constant support of the Chilean delegation in the continuation of his important work to protect human rights in that country.

Mr. Tafrov (Bulgaria) *(spoke in French)*: I also wish to thank the Under-Secretary-General, Mr. Jean-Marie Guéhenno, for his briefing on the military situation. As usual, his briefing was very complete and very useful. We also thank the High Commissioner for Human Rights, Mr. Sergio Vieiro de Mello, for his briefing, particularly following his courageous visit to Kisangani, in the Congo.

What we have just heard strengthens my conviction that following the Pretoria agreements the different Congolese groupings and their foreign protectors are seeking to better position themselves before the entry into force of the final agreements and the establishment of the transitional authority. As we know full well from other conflicts, this period of instability is, unfortunately, most conducive to massive abuses of human rights. The report we just had from the High Commissioner of Human Rights is of grave concern, and it confirms these facts. It seems that the level of atrocities committed in the eastern part of the Congo has become completely untenable, and it is important that the Council give further consideration to this reality. From this standpoint it seems to me extremely useful for the Council to give greater attention to this aspect of the Congolese situation, and that it strengthen its cooperation with the High Commissioner for Human Rights.

Mr. Guéhenno said a few minutes ago, and I agree with him, that the future of the Congo cannot be based on a culture of impunity. This would be morally unacceptable, but in addition it could in no way contribute to the establishment of stable institutions and to national reconciliation. From this standpoint it seems to me that the ideas expressed by the High Commissioner regarding the establishment of a human rights observatory in the Congo and of an international commission to investigate the crimes committed are very timely. It is important that the Council give its complete support to these ideas.

With regard to the immediate situation, it is important that those who are guilty of barbaric acts be brought without delay before the institutions of justice in the transitional authority being established. They alone can deal with these crimes and have international legitimacy recognized by the Security Council.

In conclusion, I would also like to say that Bulgaria supports the wish expressed by the High Commissioner that a clear mandate be given by the Security Council to his Office to strengthen his capabilities, and those of MONUC, in order to improve the human rights situation in the Democratic Republic of the Congo. In this regard, I have a question for the High Commissioner: what might the nature of that mandate be? What form could it take? In his opinion, what is the timing of its entry into force; how soon should that be?

Mr. Gaspar Martins (Angola): I would also like to join those who have expressed satisfaction for the very comprehensive briefings presented this afternoon by the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, and by the High Commissioner for Human Rights, Mr. Sergio Vieira de Mello.

These briefings present a situation that we and the Council find very serious indeed, particularly with regard to the human rights violations and the atrocities which are so well documented, as a result of the missions to the eastern part of the Congo.

These violations are a clear impediment to peace in the Democratic Republic of the Congo. For that reason, I think that the proposals contained in Mr. Vieira de Mello's report deserve our clear support. It is our view that they should be looked at very seriously for implementation by the Council. The perpetrators have to be held to account for their crimes and be brought to justice. The situation in the Democratic Republic of the Congo will continue to deteriorate unless we see a clear movement towards the holding of the session of the inter-Congolese dialogue and implementation of the Pretoria Agreement. In that connection, we also commend the work that has been carried out by the facilitator to enable this dialogue to be pursued. It is our view that the Council will have to send a very clear signal to the belligerents in the Democratic Republic of the Congo of our support with respect to the rapid implementation of the agreements signed for the cessation of hostilities.

Finally, we commend the United Nations Organization Mission in the Democratic Republic of

the Congo (MONUC) for the work that it has been doing. My Government is a key participant. We have taken steps to reinforce peace in the Democratic Republic of the Congo, and we will continue to do so. We will continue to play our role by providing our full support for the implementation of signed agreements because it is only when we move to the implementation of agreements that we will see a transformation and a clear change in the situation which has been presented to the Council this afternoon.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I would like to begin by thanking Under-Secretary-General Guéhenno and the United Nations High Commissioner for Human Rights, Mr. Vieira de Mello, for their briefings. Their briefings on the security and humanitarian situation in the Democratic Republic of the Congo were very specific and informative and were most helpful to the Council in monitoring the situation in that country.

Developments in the Democratic Republic of the Congo, on the whole, are encouraging. At the same time, we should note that the current situation is still very fragile. The power-sharing agreement was signed some time ago, but the parties concerned have yet to reach consensus on some outstanding issues. A ceasefire has not been achieved in the east. And in defiance of the demands of the international community, armed groups continue to engage in military conflict, causing grave humanitarian disasters and massive violations of human rights, as well as heavy losses of human lives and property.

China calls on all parties in the Democratic Republic of the Congo to strictly comply with the power-sharing agreement so that a transitional Government can be established at an early date. We strongly condemn acts of indiscriminate killing and call on the parties concerned to cease all military action in the north-east parts of the country and to strictly implement the ceasefire agreement. As well, they should adopt all possible measures to ensure the safety and security of civilians.

It is our hope that the countries concerned will abide by their commitment to carry out troop withdrawals and will refrain from returning to the Democratic Republic of the Congo under any pretext.

Given the current circumstances, it is our view that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should step up its phase III deployment in order to stabilize the situation, to consolidate the results of the peace efforts and especially to complete the programme of disarmament, demobilization and reintegration.

I would like to inform the Council that the Chinese peacekeepers for the Democratic Republic of the Congo have completed their preparations and await orders for deployment. As always, China will support the peace process in the Democratic Republic of the Congo and will support the United Nations in its peacekeeping efforts. We will continue to make our contribution towards that goal.

Mr. Pujalte (Mexico) (*spoke in Spanish*): Like other delegations, my delegation thanks the Under-Secretary-General for Peacekeeping Operations, Mr. Guéhenno, and the United Nations High Commissioner for Human Rights, Mr. Vieira de Mello, for their briefings today.

The Mexican delegation profoundly regrets the confirmation that members of the Mouvement de liberation congolais (MLC) have committed war crimes and violations of human rights in eastern Democratic Republic of the Congo. Particularly disturbing are the reports of kidnappings, the rape of women and children, summary executions and acts of cannibalism.

In order to help improve the human rights situation, the Pretoria Peace Agreement for the establishment of a transitional Government must be implemented. As well, the commitments undertaken by the parties involved in the conflict must be fulfilled, especially, as Mr. Vieira de Mello indicated, the establishment of a national observatory for human rights and of a truth and reconciliation commission that could gather testimony from those persons who have been affected so that justice can be done and the guilty brought to justice.

The Security Council must demand that the parties to the conflict respect human rights and punish the guilty. In that regard, we also support sending a fact-finding commission to help determine where the responsibilities lie.

Finally, we call on Mr. Jean-Pierre Bemba, the leader of the MLC, to take the necessary measures to make compensation for the damages done by members of his group and to bring to justice those guilty of those crimes. For that purpose, there is a need for objective,

impartial tribunals in which the international community has confidence.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): The delegation of the Syrian Arab Republic welcomes the convening of this meeting to discuss the humanitarian situation in the Democratic Republic of the Congo. It is our pleasure to thank Mr. Guéhenno for his comprehensive and exhaustive briefing on the situation in the Democratic Republic of the Congo and on the role of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

We also welcome Mr. Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights. Our delegation appreciates the efforts of the High Commissioner during his recent visit to the Democratic Republic of the Congo. We thank him for his exhaustive information, which underlines the fragile situation of human rights and the fact that some parties have committed flagrant violations in many parts of the Congo, particularly in Ituri.

The delegation of the Syrian Arab Republic stresses the importance of respect by the various Congolese parties for the Pretoria and Luanda Agreements concluded between the Democratic Republic of the Congo, Rwanda and Uganda.

Our delegation calls on all parties to respect human rights, to bring the perpetrators of those violations to justice and to end the culture of impunity. The delegation of Syria also stresses the importance of proceeding with the process of disarmament, demobilization, reintegration and repatriation, which will help to broaden the scope of humanitarian assistance and, at the same time, ensure the provision of assistance to the Congolese provinces that are in need. My delegation reaffirms that we must guarantee the safety and security of all those who work in the humanitarian assistance field and under the auspices of MONUC and must shield them from harassment.

We express our concern at the human rights violations, the indiscriminate killings, the deterioration of the security situation and the situation of displaced persons, and the food shortages experienced by a third of the Congolese population, particularly in the Ituri region and in neighbouring areas. We express our grave concern at the increase in the number of displaced persons as a result of the hostilities.

It is essential to stress the importance of cooperation with the various United Nations agencies and programmes, with the World Bank and with other donors. We call upon the donor community to consider providing assistance soon, so that we can alleviate the suffering of this country's people. We encourage the inter-Congolese dialogue and the finding of a proper solution to the distribution of Government posts so that the Government will represent all Congolese parties and will be able to meet the people's expectations, to establish an all-inclusive national army and to extend the Government's authority throughout the country.

We praise the efforts of African countries to find a solution to the Congolese crisis, particularly the efforts of the South African leadership.

In conclusion, we express our appreciation for the efforts of the Special Envoy of the Secretary-General, Mr. Moustapha Niasse, of the Special Representative of the Secretary-General, Mr. Namanga Ngongi, and of MONUC.

Ms. Menéndez (Spain) (*spoke in Spanish*): We thank Mr. Guéhenno and Mr. Vieira de Mello for today's briefings on the question of grave human rights violations, which my delegation, like previous speakers, considers deserving of condemnation. We hope that the facts will be investigated and that those who are guilty will be brought to justice. Moreover, last month's events in Ituri are proof of the enormous challenges that the peace process still faces in the Democratic Republic of the Congo, and of the need for the parties to the conflict and the international community to resolve to promote and assist it.

We have two questions to ask. The first is for Mr. Vieira de Mello. After his visit to the Democratic Republic of the Congo and the interviews that took place there, what, in his opinion, are the principal measures that the future transitional Government will have to take in order to put an end to the current human rights situation in the country, which he himself has described as catastrophic?

Another question: on repeated occasions, we have confirmed that one of the problems in the eastern part of the Democratic Republic of the Congo is access to the most vulnerable populations. I should like to know whether Mr. Vieira de Mello has any idea as to how we could improve humanitarian access to the civilian population, which suffers most harshly from the consequences of armed conflict.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): Like previous speakers, we would like to thank Mr. Guéhenno and Mr. Vieira de Mello for the very instructive briefings that they just presented on the situation in the Democratic Republic of the Congo — one on the general situation with regard to peace and security and on the activities of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and the other on the humanitarian situation.

My delegation is gravely concerned at the continuing deterioration of the situation in the north-east of the Democratic Republic of the Congo, particularly in the Ituri region. Despite the power-sharing agreement concluded in Pretoria on 17 December 2002 among the various Congolese parties, fighting has continued among various rebel movements and armed groups. Those clashes have claimed many victims, especially among civilians, and have caused major population movements. Many Congolese have thus left their homes to gather in camps, and others are refugees in neighbouring countries.

Today, the population of Ituri is experiencing a real tragedy, faced as it is with massive human rights violations. There has been talk of massacres and of rape on a major scale; there has been talk of pillaging and of ethnic cleansing. The report mentions certain atrocious practices that are difficult to name or even to imagine today. This situation is unacceptable, and those who are found guilty of such acts must answer for them. Impunity is unimaginable; it is unthinkable. My delegation therefore welcomes measures that have been taken to bring to justice some of the culprits. This process must be continued and strengthened so that justice can be done for the victims of these unspeakable acts.

The precariousness of the situation of refugees and of displaced persons is particularly accentuated by the difficulties experienced by humanitarian organizations in reaching those populations because of the lack of infrastructure, and particularly because of the climate of insecurity. We call upon the international community to intensify its efforts to come to the assistance of these populations in distress.

Similar efforts must be undertaken for the population of the region of Yumbi, in the west of the Democratic Republic of the Congo, which fell victim to a violent tornado on 2 February that claimed many victims and caused severe physical damage. Although the estimate of casualties has been revised downwards, the populations of the region still have an acute need for urgent assistance from the international community.

Finally, my delegation would like to stress the need for the various protagonists of the Congolese tragedy to respect the commitments that they have undertaken. In that way, they will enable the country to find peace and prosperity for its populations and for all in the Great Lakes region. In this respect, we welcome the recent meeting at Dar es Salaam between President Joseph Kabila and Yoweri Museveni and the commitments they undertook on that occasion to promptly set up the commission on the pacification of Ituri and to create a standing mechanism for consultation that will enable them to consult on a regular basis in order to maintain a climate of confidence and peace between their countries.

Previous speakers have already raised several other questions my delegation wished to ask. However, I would like to ask High Commissioner Vieira de Mello for clarification about measures which the international community might take to ensure that those responsible for the atrocities committed in the Democratic Republic of the Congo will not go unpunished. Naturally, we support the idea of creating an international commission of inquiry. However, we would like to know the views of the High Commissioner on taking the matter to the International Criminal Court or creating a special jurisdiction to investigate these mass violations of human rights.

Mr. Vieira de Mello shared with us elements of his detailed report on the violations of human rights in the Democratic Republic of the Congo. Cameroon would like the Council to receive that report in order to have a more in-depth review.

The President: I will now make a statement in my capacity as the representative of Germany.

First, I would like to thank Mr. Guéhenno and the High Commissioner for Human Rights for their comprehensive and very timely reports. The reports speak for themselves. The human rights situation in the Democratic Republic of the Congo, particularly in the rebel-controlled areas, is appalling. We fully support the conclusions that the High Commissioner has drawn and will take them into account when we assess how to best support the peace process in the Democratic Republic of the Congo.

The report we have just heard stresses two key factors that can contribute to the devastating human rights situation and the lack of progress in solving the conflict: one is the culture of impunity, and the other is the link between the plundering of natural resources and continuation of the fighting. Let me add a third factor that fuels the conflict.

The Council has repeatedly highlighted the continuing supply of arms to the belligerents by all parties to the conflicts, both Congolese and foreign. Unless we succeed in stopping the arms flow to the eastern Democratic Republic of the Congo, we will not have a durable stabilization of the entire Great Lakes region, and the Congolese population will be victim of yet more abuse and atrocities.

Impunity should not be granted to gross human rights violators, not even for the sake of integrating high-ranking officials in institutions of the transition period, as part of the peace and reconciliation process. Perpetrators should be brought to justice, all the more if they belong to military or governmental institutions. Against this background I would like to ask Mr. Vieira de Mello, as well as the Secretariat, if, in their view, there is a genuine readiness by any of the parties to bring the perpetrators of human rights violations to justice.

My second question concerns the situation of vulnerable groups, women and children in particular. The High Commissioner has already clearly pointed out that gang rapes and other forms of sexual violence against women and girls are used as tools of warfare. Germany has also received disturbing reports on the recruitment of child soldiers, some as young as nine years of age. Is there any chance to identify, not only the perpetrators, but also the political and military leaders who provide political coverage for such repugnant violations of human rights?

Also, in view of Security Council resolution 1325 (2000), Germany would like to know about efforts to strengthen the gender perspective in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), especially with a view to the DDR process in the Democratic Republic of the Congo.

Finally, I have two suggestions. I believe access to clearer information on the human rights situation in the different rebel-controlled areas would be useful for the Council's future deliberations. We are especially interested to learn of the current situation in Kisangani and other areas controlled by the RCD.

My second suggestion pertains to the comprehensive report mentioned by the High Commissioner at the beginning of his briefing. I think it would be useful to make this report available to all members of the Security Council.

Resuming now my function as President of the Council, I would be well prepared to distribute this report as a document of the Council.

I now call on the representative of the Democratic Republic of the Congo.

Mr. Ileka (Democratic Republic of the Congo) *(spoke in French)*: Allow me first of all to say how pleased I am, Mr. President, to see you leading the Security Council during this month of February. I am certain you will discharge your noble mission with dedication and success. Allow me also to congratulate your predecessor, the representative of France, for the skill and competence with which he discharged his weighty task during his presidency for the previous month.

I am grateful to you, Mr. President, for your excellent initiative in convening this important meeting of the Security Council, which has allowed us to hear two statements on the situation in the Democratic Republic of the Congo.

I would also like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his important and precise briefing on the general situation prevailing at this time on the ground. I hope that in two weeks time, when he reports to the Council again, we will have encouraging information which will help the peace process in my country make further progress.

I would also like to pay well-deserved tribute to Mr. Sergio Vieira de Mello, High Commissioner for Human Rights, for his report to the Council. I thank him and the members of the Council for having denounced the massacres and serious atrocities and serious and flagrant mass violations of human rights and international law, perpetrated with complete impunity by the troops of the Rwandan Patriotic Army and the Ugandan army, and also those armed troops affiliated with them, whether or not they signed the Lusaka Agreement and other, subsequent peace agreements.

I hope the Security Council will make it possible for the written report of the United Nations High Commissioner for Human Rights, and also that of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on the Ituri events, will be made public and distributed as official documents of the Council.

This new denunciation of atrocities that revolt the human conscience and that include thousands of murders, infanticides, rapes of women and children, tortures, persecution of those fighting to defend human rights comes after many reports from non-governmental organizations, such as Human Rights Watch, Amnesty International and the International Rescue Committee, and also from United Nations organs such as the United Nations Office for the Coordination of Humanitarian Affairs — with which the High Commissioner is well acquainted, since he headed it — and also from the European Office for Humanitarian Assistance.

Members of the Council know the figures. The number of peaceful Congolese civilians who have been massacred can no longer be counted. There have been many outright acts of barbarism and savagery. I would merely recall the particular horror of Mwenga, where 15 Congolese women were buried alive by Rwandan troops. I would also recall Makobola, in the province of South Kivu, where, from 30 December 1998 to 1 January 1999, more than 600 people were horribly murdered. These massacres join a long list of massacres committed against the peaceful people of the Congo in Kavumu, Kasika, Lubarika, Uvira and elsewhere.

How can we forget the protracted martyrdom of the city of Kisangani, where Rwanda and Uganda thrice clashed on the territory of the Democratic Republic of the Congo, bombing populated areas, claiming thousands of innocent victims and destroying most of the infrastructure? How can we forget that, on 14 and 15 May 2002, a pogrom was observed by the international community, which did not come to the assistance of the endangered population of Kisangani? The authors of these despicable acts, who were mentioned in the report of the High Commissioner for Human Rights in document S/2002/764, still enjoy freedom of movement and some are even preferential interlocutors with the international community.

Finally, need I recall Ituri? That much-coveted area of the Democratic Republic of the Congo has seen clashes between Lendus and Hemas, two large ethnic groups that have always lived in peace, but who massacred each other at the instigation of the authorities and occupying troops of Uganda. Early this year, Ituri made the headlines because of serious events, recalling practices of earlier centuries, that attained such a degree of gravity and horror that certain authoritative voices did not hesitate to describe them as genocidal.

No one can ignore the fact that the vast majority of victims are civilians, particularly the most vulnerable among them: women and children. These have been attacked physically and have suffered many humiliations, including repeated rape as a tactic of war, with its corollary, the deliberate spread of HIV/AIDS. We are experiencing a true tragedy, despite the denunciations read in numerous reports published by my Government and heard at countless meetings of the Security Council, the principal organ responsible for the maintenance of international peace and security.

The situation of human rights and international humanitarian law in the Democratic Republic of the Congo is a source of constant concern to my Government. That is why, in his inaugural speech on 26 January 2001, the Head of State, Major General Joseph Kabila, stressed the need to strengthen the rule of law, to consolidate democracy and good governance, to guarantee human rights and to promote legal and judicial security.

Despite the state of war that led to the strengthening of the emergency regime, it should be noted that the Government has striven in all circumstances to preserve the central, untouchable core of human rights. On every occasion, the Democratic Republic of the Congo has stressed its devotion to human rights and to international humanitarian law, in accordance with its international obligations to respect, promote and protect human rights and to support the consolidation of the rule of law.

Moreover, the dissemination of a culture of human rights and the popularization of the basic concepts of international humanitarian law have greatly contributed to the prevention of serious violations in the part of the territory under the Government's control. We are grateful to the High Commissioner for Human Rights and to the Special Rapporteurs for

human rights who have recognized that fact in their various reports on the human rights situation in my country.

In last year's report on the work of the Organization, Secretary-General Kofi Annan said, inter alia, that

> "the United Nations role in peace and security remains an essential part of its global responsibilities. Conflict prevention is of critical importance and requires a comprehensive understanding of the underlying causes and dynamics of violent conflict. The Organization's authority as a credible instrument to prevent conflict depends on its capacity to address the root causes of deadly conflict". (*A/56/1, para. 6*)

Moreover, as regards the headlong rush for my country's wealth, the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo established a link of cause-and-effect between that phenomenon and the pursuit of aggression. We should also note that one of the direct causes of the unfortunate human rights situation is the denial of justice. My Government, here in the Security Council and before other bodies, has tirelessly deplored the denial of justice to the thousands of Rwandan victims of genocide and of other serious violations of international humanitarian law and, ultimately, to the millions of Congolese men and women killed in the war of aggression.

The demand for justice is an integral part of any lasting peace. It is essential that we address the question of impunity and that we break its vicious circle. In this respect, the message sent by the international community and the Security Council lacked clarity. If the Security Council had had the political will fully to implement its own resolutions on the situation in the Democratic Republic of the Congo, we should never have had to deplore the repeated massacres of Congolese civilians. If the Security Council had seriously implemented its own resolutions, certain individuals, actors and parties would not have continued to view the multiple violations of human rights and of international humanitarian law as benign. This feeling of impunity was certainly not lacking in those who committed the atrocities in Ituri, the culmination of a nameless horror that has continued to grow.

As stressed in the Proclamation of Teheran adopted at the International Conference on Human Rights in May 1968, aggression and armed conflict constitute massive denials of human rights. The time has come for the Council to say that the deterioration of the human rights situation in the Democratic Republic of the Congo has exceeded the bounds of the acceptable and the tolerable. The Council should seriously address the mass violations of human rights and international humanitarian law that have occurred in my country since the beginning of the aggression. It must also display unanimous and genuine will to achieve progress in the regional peace process and to put an end to the plundering of the country's wealth.

In order to do this, it must emphasize the need to consolidate and conclude the peace process under way, particularly through its unreserved support for the comprehensive, inclusive agreement on the political transition in the Democratic Republic of the Congo, signed in Pretoria last December. This framework can establish the preconditions for national representation confirmed by effective electoral procedures and give the country a national consciousness that will allow it to enjoy democracy without the anarchy that destroys freedoms and in respect for the fundamental freedoms of the citizenry.

The comprehensive agreement should soon be adopted formally at the final meeting of the inter-Congolese dialogue. It would send a strong signal to the international community if that meeting were to be held on the territory of the Democratic Republic of the Congo. Far from the hotels and palaces of Sun City, Pretoria or Kinshasa, the city of Kisangani, given its weighty symbolism, would be the best place for that meeting. Kisangani is in fact the crucible of all the major calamities that have swept over our country following its accession to national sovereignty.

That city has paid a heavy price throughout the war years. Many Congolese in that city and in Orientale province have been cruelly tested emotionally, morally and physically. Many sons and daughters of the city who were our relatives and friends have been torn from life in the various convulsions of violence, wars within wars of aggression which the aggressors have inflicted on us.

Holding the final meeting of the inter-Congolese dialogue in Kisangani would be a sign of solidarity; a fresh tribute to the memory of the Congolese and

foreign victims of armed aggression; and testimony to the concern of the international community when wounds will have to be healed, misery eased and the ruins rebuilt which the war of aggression strewed throughout Orientale province.

What do we have the right to expect from the international community in general and from the Security Council in particular? Mr. Vieira de Mello gave us some clear signs today. My Government fully supports his conclusions, and we express the hope that the recommendations of the High Commissioner for Human Rights will be followed by the Council.

My Government would also like to thank the Security Council for having continued to exert pressure on all the parties to the conflict, whether or not they signed the Lusaka Agreement, to respect human rights and international humanitarian law, ensure the protection of civilians and put an end to impunity.

My Government believes, however, that the Security Council could take further action, for example by encouraging all neighbouring countries to bring their influence to bear on the armed groups that they created so as to ensure that they respect their obligations with regard to human rights and international humanitarian law, including ending the persecution of those fighting in defence of human rights.

The Council could also call for and obtain the full, unconditional and verified withdrawal of the troops of aggression, in conformity with the relevant Council resolutions; their presence on Congolese territory is the root cause of the suffering of our people and of the nightmare through which they have been living. Finally, after having ensured that all the parties are committed to a comprehensive and inclusive agreement, the Council must support such an agreement and the political transition arising from it.

A change in the mandate of MONUC is thus necessary. It should shift immediately from simple observation to peacekeeping during the transition period — a period of fragility, rife with a potential for danger that should not be underestimated. The new ceiling authorized for the military personnel of MONUC who will undertake that task should be reached as soon as possible. Likewise, a major increase in civilian personnel, including observers and human rights experts, would be desirable so as to enable MONUC effectively to carry out its support policies.

In order to put an end to the cycle of violence and the culture of impunity that have taken up residence in my country, my Government calls on the Security Council to devise ways in which the protection of civilians in the Democratic Republic of the Congo can be effectively ensured. Such means could include strengthening the rule of law and the administration of justice and the creation of mechanisms by which all those responsible for human rights violations and war crimes could be made to answer for their actions.

The Security Council must fully assume its responsibilities and set up an international criminal tribunal capable of tracking down and punishing those responsible for the massacres committed in the territory of the Democratic Republic of the Congo. In the absence of such a tribunal, the Council could opt for a special criminal court based on the Sierra Leone model or on that now being developed for Cambodia. Its competence would extend to the area under occupation — an occupation that is completely illegitimate. Such a tribunal must avoid making a mockery of justice, as is about to happen in Gbadolite, in the north of my country.

With regard in particular to the acts of cannibalism committed recently in Ituri, the Democratic Republic of the Congo has the right, as a State party to the Statute of the International Criminal Court, to resort first of all to the competence of its own national tribunals, in accordance with the principle of complementarity. Before it can do so, however, it will have to wait for the draft law on the implementation of the Rome Statute to be accepted by our parliament and promulgated by the President of the Republic and for the completion of the process currently under way to reform the institutional system. My Government thus reserves the right to go before the International Criminal Court, which should not only prosecute and bring to justice those responsible for the most serious crimes, including the acts of cannibalism, but also to decide on compensation for the victims of those horrific acts.

The Congolese people demand just and equitable reparations for the damages suffered. Paragraph 14 of resolution 1304 (2000) provides the legal basis for the Security Council to intervene, in that it calls on Uganda and Rwanda to make reparations for the loss of life and the property damage inflicted on the town of Kisangani.

In the same vein, and to avoid the possibility of calling into question the whole of the peace process, the Council would benefit from applying all measures authorized by the Charter, in particular under Articles 39 to 42, against recalcitrant parties — whether or not they have signed the Lusaka Agreement — that are not fully complying with the relevant provisions of the Council's resolutions. Only thus can we hope to reach the immediate objective of a return to lasting peace for my country and for the entire Great Lakes region.

In conclusion, it will also be important for the Council to be able to deal with the Congolese question in the context of an appropriate post-conflict response. Once again, my delegation stresses the need to convene an international peace conference on peace and security in the Great Lakes region as a peaceful way of fostering peace and understanding in the region. Through a frank and sincere dialogue, it will be possible to restore good-neighbourly relations, re-establish peace and create conditions favourable for the administration of justice, as well as for economic and social development.

The Democratic Republic of the Congo and its people expect a prompt and responsible reaction from the Security Council, which cannot shirk its responsibilities without risk of seeing its credibility undermined in the eyes of the Congolese people.

The President: The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Muvunyi (Rwanda): I thank you, Mr. President, for having convened this meeting to consider the situation concerning the Democratic Republic of the Congo.

The Government of the Republic of Rwanda fully supports the return of peace and security to the Great Lakes region as a whole and, in particular, to the Democratic Republic of the Congo.

I would like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his briefing. I also welcome the briefing by Mr. Vieira de Mello, the United Nations High Commissioner for Human Rights.

Rwanda would like to ask some questions. Mr. Guéhenno said that Rwanda supports the Union des patriots congolais; that is not true. He said that there might be confrontations with Uganda. That, too, is untrue.

As for the representative of the Democratic Republic of the Congo, all of his allegations are always baseless — Rwanda has left the Democratic Republic of the Congo. The international community, including the members of the Security Council, know that Rwanda went to the Democratic Republic of the Congo because it had always been a base for negative forces. Such forces have been operating there with support from the Democratic Republic of the Congo, and they are a real threat — not only to the population of the Democratic Republic of the Congo but also to the security of neighbouring countries, especially Rwanda, Burundi and Uganda.

That is why Rwanda appreciates the good job that has been done by the Red Cross, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other non-governmental organizations, which have been giving aid to the displaced people of the Democratic Republic of the Congo.

I and my delegation strongly condemn the violation of human rights in the Democratic Republic of the Congo, especially the cannibalism which has taken place in the region of Ituri.

We request the Government of the Democratic Republic of the Congo to implement fully the peace agreement signed in Lusaka, in Pretoria and in Angola in order to achieve peace and security in the Great Lakes region. It is in conformity with the implementation of those agreements that the Government of Rwanda requests that the Security Council exert its influence on the Government of the Democratic Republic of the Congo, all armed groups and civil society to put in place an all-inclusive Government which will address the human rights situation in the country and stabilize it in the interest of all Congolese citizens. The transitional institutions will solve the chronic problems of the Democratic Republic of the Congo, which have persisted for the past 40 years, characterized by corruption, insecurity and misrule, and will address the security concerns of neighbouring countries, namely Rwanda, Burundi and Uganda.

I take this opportunity to dismiss all of the alarming information of 31 January 2003, spread by the United Nations Organization Mission in the

Democratic Republic of the Congo (MONUC) and the Permanent Representative of the Democratic Republic of the Congo. It is indeed a well-known fact that the Rwandan Defence Forces made a total withdrawal from the Democratic Republic of the Congo on 5 October 2002. That was confirmed a few days later by MONUC itself and by the third-party verification mechanism. Rwanda condemns rumours and unconfirmed reports spread by alarmists in order to tarnish the image of my country. Let me conclude by requesting members of the Security Council not to give credit to such baseless allegations.

The President: I shall now give the floor, first, to Mr. Guehenno and then to Mr. Mello to respond to comments and questions raised.

Mr. Guéhenno: Several delegations share the concern of the Secretariat on the situation in the north-east. As we reach the conclusion of this briefing, I just want to reiterate how important it is that there be no outside interference in a situation that is extremely volatile and dangerous. We would hope that all neighbours that can help would encourage the parties to work with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to put in place mechanisms for the pacification of Ituri. Of course, the meeting that took place at the initiative of the President of Angola was a very important step in that direction. We have to continue the efforts in that direction. Otherwise, the situation in that part of the Democratic Republic of the Congo could get worse.

Several delegations asked about how MONUC could strengthen its role in the protection of civilians and access to civilians. Indeed, ultimate responsibility for the protection of civilians will remain with the parties. I do not see how it could be otherwise, considering the size of the country and the problems at hand.

At the same time, it is clear that the presence of MONUC is a reassuring presence wherever it is seen. In that respect, I would remind the Council that at the moment we have approximately 4,400 uniformed personnel in that big country. We are moving as many assets as we can towards the sensitive areas in the east. We would like the task forces to be in place as soon as possible. Those task forces will be all the more effective as they will be strong and mobile. In that respect, I would remind the Council that we are still looking for one small unit of attack helicopters, which will considerably enhance the operational capabilities of those task forces.

Several delegations asked about how we can strengthen our action in human rights. Sergio Vieira de Mello will answer that in greater detail than I can. But I would like to say that, as far as MONUC is concerned, the first effort is to observe wherever we can. I think that putting the searchlight of the international community in as many places as possible in the Democratic Republic of the Congo is important as a deterrent. We have developed multi-dimensional teams that combine human rights officers, civilian police and child protection officers. I think those teams can play a useful deterrent role.

As many Council members have noticed, children and women are particularly in need of protection. In that respect, I am pleased to report that the collaboration of MONUC with UNICEF, for instance, in taking care of child combatants who are being disarmed, is very effective because it is of critical importance that children have good reintegration programmes. Some reintegration programmes have been put in place, some of them with the support of the Government of Norway. We are very grateful for that. That kind of effort is of great importance — so that children who are demobilized do not go back to the army after being demobilized from one of the armed groups. We have to think of the long term.

Likewise, for women, it is important to take the gender dimension into consideration as we organize disarmament, demobilization and reintegration programmes. The Office of Gender Affairs in MONUC is working precisely to that effect so that the disarmament, demobilization and reintegration centres that we are establishing, such as the one already being established in Lubero, take that dimension into consideration.

The specific question of the role of the international community with respect to the trial being organized by the Mouvement de libération congolais (MLC) was raised. We fully understand and share the view of the High Commissioner that, indeed, we cannot through our actions sanction a tribunal that is a de facto tribunal. So, we have to reconcile that principle with the need to report and to know what is happening. We will be discussing with the Office of the High Commissioner for Human Rights how to reconcile those two important concerns: concern for that

principle and at the same time the need for MONUC to be an effective eye for the international community so that we know what happens everywhere.

The question was asked by you, Mr. President, in your national capacity, what is the political will of the leaders to bring perpetrators to justice? I think that the political process that is developing can be an important instrument. The political process should not be an incentive for political leaders to attempt to establish new positions on the ground so as to strengthen their hand in the political process. It has to be exactly the opposite. There has to be an incentive for the political leaders to build legitimacy and therefore to have behaviour that is compatible with their future role in the Democratic Republic of the Congo.

In that respect, looking at the future, the way the transitional authorities address the issues of human rights and justice is of critical importance. Already, we are discussing with the Office of the High Commissioner for Human Rights how exactly MONUC could support that process. We see the immensity of the task at hand. It will require accountable police and accountable military forces that are a reassurance for the people and not a threat. It will require a functioning justice system. It will also require effective investigations so as to be able — as you asked, Sir — to identify those who have committed crimes. MONUC has some information, but we need more if there is to be accountability, an end to the culture of impunity that was denounced by so many of you around this table.

The President: I thank Mr. Guéhenno for the clarification and the comments. I now give the floor to Mr. Vieira de Mello.

Mr. Vieira de Mello: Completing what my colleague Jean-Marie Guéhenno has just said, in answering specific questions addressed to me let me first of all thank all the members — and yourself, Mr. President — for the unanimous support that you have given to human rights protection and to justice and the rule of law in the Democratic Republic of the Congo as fundamental pillars of the durable peace process which we all hope is in motion in that country — as anywhere else, needless to say.

The representative of Pakistan — and here I will also be answering questions put to me by the representatives of Bulgaria, the United Kingdom and Spain — asked how we can secure such objectives. I presume he meant in the short to medium term. Well, you have all answered by stating that peace is a pre-condition for peace to be truly achievable, and therefore the Pretoria Agreement must be implemented by all the parties to the inter-Congolese dialogue. Neighbours must also fully contribute to this. The Ituri peace commission agreement that was recently reached between President Kabila and President Museveni could serve as a test.

As Mr. Guéhenno has just said, MONUC and my Office will continue to work in total cohesion, but for them to be more effective they must receive a clear mandate and the means for the implementation of all the human rights-related provisions in the Pretoria Agreement. This was clear in some of your statements, as well as in what Mr. Guéhenno has just said. Many such provisions are obvious, in different articles of that agreement; others are implicit. Certainly here the task is immense. With a clear mandate, we can achieve a great deal, provided the parties fully cooperate.

I would also add, as I did in my statement, that suspects who have been clearly identified and who I name in my report must be suspended from their military duties and must be arrested. The early establishment of a transitional, special jurisdiction — the nature of which is not for me to suggest, but I will come back to that when I answer the questions from the representative of Cameroon — to tackle the many gross violations of human rights over the years — on the basis of evidence provided by ourselves, MONUC, other sources, and a possible special commission of investigation — is clearly another means of achieving these goals. The truth and reconciliation commission is essential, in my opinion, as part of this new justice structure in the Democratic Republic of the Congo.

Finally, I would say on this question that we must demand that all the parties allow humanitarian agencies access to populations in need. In my opinion, this is not a negotiable matter. As I said, this is not possible at present, particularly in rebel-controlled areas and in trans-boundary activities between rebel-controlled areas.

(*Spoke in French*)

Answering the questions from the representative of France, I wish to inform him that the special rapporteur for the Democratic Republic of the Congo will, on 27 February, start a 12-day trip to visit Kinshasa, Kisangani, Gbadolite and Goma. As for the other special rapporteurs referred to by the

representative of France, there is indeed a request by the Commission on Human Rights which goes back to 1997, that the special rapporteurs for summary executions and for the Congo and for the Working Group on Disappearances go together to the Democratic Republic of the Congo. But that has not yet been possible, for security and financial reasons. I do not have the funds necessary to finance such a mission. But, obviously, I hope that improvement in the situation on the ground, and the implementation of the Peace Agreement, will make it possible to send this mission as soon as possible.

(*Spoke in English*)

The representative of the United States asked if my Office had been requested by the parties to offer advice and technical assistance on the creation of new institutions under the Pretoria Agreement. The answer is that I did not receive such a request, but I certainly made the offer to all of them, and in no uncertain terms I repeat that offer here today. I believe Mr. Guéhenno has answered the second question, regarding the present and future role of MONUC.

On the question of the military court to be established by the MLC in Gbadolite,the United States expressed disappointment that my Office cannot help. I think Mr. Guéhenno has indicated that we must be flexible, for reasons that I certainly understand in terms of monitoring the proceedings of that court, and in terms of acknowledging the willingness of Mr. Bemba to accept responsibility for the actions of his military forces on the ground. However, as far as my Office is concerned, I would find it difficult to observe the proceedings of a military jurisdiction that is established by a rebel movement, which therefore lacks legitimacy. I fear that if we were to do so — I am speaking for my Office now — we might lend credibility and validate those proceedings, which I do not think is within my competence.

I was also asked whether there had been any follow-up action by the RCD-Goma to calls made by my predecessor, and indeed by this Council. What I can report is that the RCD leadership promised to prosecute all suspects. According to the chief of its department of external relations, the trials would be open and suspects would have the right to defend themselves. On 27 December the Conseil operational de guerre, meeting in Kisangani, had a short trial of a small number of military and police officers alleged to have masterminded the massacres of 14 May 2002. Quite apart from the questionable legitimacy of such courts and proceedings, the list of the accused did not include any of the well-known high-ranking military officers that eye-witnesses and human rights groups had identified as having directed or led the massacres. Nor did it include any high-level civilian officials. Instead, those arraigned were mostly persons accused of genocide or attempted genocide or incitation to ethnic hatred in connection with the killing of a small number of Rwandans in the early stages of the events. As I said, I have provided the names of those high-ranking military officers to the RCD leaders with whom I met in Kisangani last January.

Turning now to questions put to me by other members, in particular by the representative of Spain —

(*Spoke in Spanish*)

She asked how to get access to the vulnerable populations. I think the answer is simple, but it is difficult to implement. The first element is cooperation by the parties, especially by the rebel movements, so that they allow access by the humanitarian organizations under conditions of security for their workers. Secondly, if possible, there should be a mandate and a greater capacity on the part of MONUC to provide military protection to our colleagues from the humanitarian agencies.

(*Spoke in French*)

The representative of Cameroon asked what measures could be taken by the international community so that those responsible for these many abuses will not, or no longer, enjoy impunity. First, we spoke of an international commission of inquiry. The second step is to establish a special jurisdiction during the transition phase, which I think is absolutely possible and desirable. The third is something referred to by the representative of the Democratic Republic of the Congo himself, which is creation of a jurisdiction similar to that which now exists in Sierra Leone.

Lastly, the representative of Cameroon asked me what I thought about bringing cases to the International Criminal Court (ICC). This is possible in that the Democratic Republic of the Congo has ratified the Rome Treaty, and therefore it could bring matters before the ICC if it wished to do so. In any event, the establishment of a commission of truth and

reconciliation seems to me to be part of the range of measures that are desirable in order to put an end to the climate and culture of impunity.

As requested by the representative of Cameroon and the Council President, I will make the written report available to the Council as soon as possible.

(*Spoke in English*)

Finally, with regard to your question, Mr. President, as to whether the parties are ready to bring the perpetrators to justice, Mr. Guéhenno has already answered that. On the basis of my own contacts on the ground, I believe that at present, the Government and the MLC seem to be prepared to do so. I am still awaiting, as I said, a clear, tangible and credible reply from the RDC-Goma. I have not had any contacts with the Union des Patriots Congolais and therefore I cannot tell you whether they are prepared to do so or not.

Your last question was whether there is any chance of identifying those political leaders who provide cover for violence against women or the exploitation of children, in particular with regard to their respective war efforts. I believe the answer to your question is yes, Mr. President.

The President: I thank Mr. Vieira de Mello for his clarifications and comments.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of this item on its agenda.

The meeting rose at 5.55 p.m.

United Nations S/PV.4706

Security Council

Fifty-eighth year

Provisional

4706th meeting

Thursday, 13 February 2003, 5.55 p.m.

New York

President:	Mr. Pleuger	(Germany)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	France	Mrs. D'Achon
	Guinea	Mr. Cheick Ahmed Tidiane Camara
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mrs. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Rosenblatt

Agenda

Threats to international peace and security caused by terrorist acts

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-24686 (E)

The meeting was called to order at 5.55 p.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President: I should like to inform the Council that I have received a letter from the representative of Colombia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Giraldo (Colombia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/177, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1465 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6 p.m.

United Nations S/PV.4707

Security Council

Fifty-eighth year

Provisional

4707th meeting

Friday, 14 February 2003, 10 a.m.

New York

President:	Mr. Fischer	(Germany)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mrs. Alvear Valenzuela
	China	Mr. Tang Jiaxuan
	France	Mr. Galouzeau de Villepin
	Guinea	Mr. Traoré
	Mexico	Mr. Derbez
	Pakistan	Mr. Akram
	Russian Federation	Mr. Ivanov
	Spain	Ms. Palacio Vallelersundi
	Syrian Arab Republic	Mr. Al-Shara'
	United Kingdom of Great Britain and Northern Ireland	Mr. Straw
	United States of America	Mr. Powell

Agenda

The situation between Iraq and Kuwait

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03-24819 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President: I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Aldouri (Iraq) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission.

There being no objection, it is so decided.

I invite Mr. Blix to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

There being no objection, it is so decided.

I invite Mr. ElBaradei to take a seat at the Council table.

I welcome the presence of the Secretary-General, His Excellency Mr. Kofi Annan, at this meeting.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear briefings by Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

I now give the floor to Mr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission.

Mr. Blix: Since I reported to the Security Council on 27 January, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) has had two further weeks of operational and analytical work in New York and active inspections in Iraq. That brings the total period of inspections so far to 11 weeks. Since then, we have also listened, on 5 February, to the presentation to the Council by the United States Secretary of State and to the discussion that followed. Lastly, Mr. ElBaradei and I have held another round of talks in Baghdad with our counterparts and with Vice President Ramadan, on 8 and 9 February.

Let me begin today's briefing with a short account of the work being performed by UNMOVIC in Iraq.

We have continued to build up our capabilities. The regional office in Mosul is now fully operational at its temporary headquarters. Plans for a regional office at Basra are being developed. Our Hercules L-100 aircraft continues to operate routine flights between Baghdad and Larnaca. The eight helicopters are fully operational. With the resolution of the problems raised by Iraq for the transportation of minders into the no-fly zones, our mobility in those zones has improved. We expect to increase utilization of the helicopters. The number of Iraqi minders during inspections had often reached a ratio as high as five per inspector. During the talks in January in Baghdad, the Iraqi side agreed to keep the ratio to about one to one. The situation has improved.

Since we arrived in Iraq, we have conducted more than 400 inspections covering more than 300 sites. All inspections were performed without notice and access was almost always provided promptly. In no case have we seen convincing evidence that the Iraqi side knew in advance that the inspectors were coming.

The inspections have taken place throughout Iraq at industrial sites, ammunition depots, research centres,

universities, presidential sites, mobile laboratories, private houses, missile production facilities, military camps and agricultural sites. At all sites which had been inspected before 1998, rebaselining activities were performed. This included the identification of the function and contents of each building, new or old, at a site. It also included verification of previously tagged equipment, application of seals and tags, taking samples and discussions with the site personnel regarding past and present activities. At certain sites, ground-penetrating radar was used to look for underground structures or buried equipment.

Through the inspections conducted so far, we have obtained a good knowledge of the industrial and scientific landscape of Iraq, as well as of its missile capability, but, as before, we do not know every cave and corner. Inspections are effectively helping to bridge the gap in knowledge that arose due to the absence of inspections between December 1998 and November 2002.

More than 200 chemical and more than 100 biological samples have been collected at different sites. Three quarters of these have been screened using our own analytical laboratory capabilities at the Baghdad Centre. The results to date have been consistent with Iraq's declarations.

We have now commenced the process of destroying approximately 50 litres of mustard gas declared by Iraq that was being kept under UNMOVIC seal at the Muthanna site. One third of the quantity has already been destroyed. The laboratory quantity of thiodiglycol, a mustard gas precursor, which we found at another site, has also been destroyed.

The total number of staff in Iraq now exceeds 250 from 60 countries. This includes about 100 UNMOVIC inspectors, 15 International Atomic Energy Agency (IAEA) inspectors, 50 aircrew and 65 support staff.

In my 27 January update to the Council, I said that it seemed from our experience that Iraq had decided in principle to provide cooperation on process, most importantly prompt access to all sites and assistance to UNMOVIC in the establishment of the necessary infrastructure. This impression remains and we note that access to sites has so far been without problems, including to those that had never been declared or inspected, as well as to presidential sites and private residences.

In my last updating, I also said that a decision to cooperate on substance was indispensable in order to bring, through inspection, the disarmament task to completion and to set the monitoring system on a firm course. Such cooperation, as I have noted, requires more than the opening of doors. In the words of resolution 1441 (2002), it requires immediate, unconditional and active efforts by Iraq to resolve existing questions of disarmament, either by presenting remaining proscribed items and programmes for elimination or by presenting convincing evidence that they have been eliminated.

In the current situation, one would expect Iraq to be eager to comply. While we were in Baghdad, we met a delegation from the Government of South Africa. It was there to explain how South Africa gained the confidence of the world in its dismantling of the nuclear-weapons programme by a wholehearted cooperation over two years with IAEA inspectors. I have just learned that Iraq has accepted an offer by South Africa to send a group of experts for further talks.

How much, if any, is left of Iraq's weapons of mass destruction and related proscribed items and programmes? So far, UNMOVIC has found no such weapons, only a small number of empty chemical munitions which should have been declared and destroyed. Another matter — and one of great significance — is that many proscribed weapons and items are not accounted for. To take an example, a document which Iraq provided suggested to us that some 1,000 tons of chemical agent were unaccounted for. One must not jump to the conclusion that they exist. However, that possibility is also not excluded. If they exist, they should be presented for destruction. If they do not exist, credible evidence to that effect should be presented.

We are fully aware that many governmental intelligence organizations are convinced and assert that proscribed weapons, items and programmes continue to exist. The United States Secretary of State presented material in support of this conclusion. Governments have many sources of information that are not available to inspectors. Inspectors, for their part, must base their reports only on evidence that they can themselves examine and present publicly. Without evidence, confidence cannot arise.

In my earlier briefings, I noted that significant outstanding issues of substance were listed in two Security Council documents from early 1999 and should be well known to Iraq. I referred, as examples, to the issues of anthrax, the nerve agent VX and long-range missiles, and said that such issues "deserve to be taken seriously by Iraq, rather than being brushed aside" (*S/PV.4692, p. 5*). The declaration submitted by Iraq on 7 December, despite its large volume, missed the opportunity to provide the fresh material and evidence needed to respond to the open questions. This is perhaps the most important problem we are facing. Although I can understand that it may not be easy for Iraq in all cases to provide the evidence needed, it is not the task of the inspectors to find it. Iraq itself must squarely tackle this task and avoid belittling the questions.

In my January update to the Council, I referred to the Al Samoud 2 and the Al Fatah missiles, reconstituted casting chambers, construction of a missile-engine test stand and the import of rocket engines, which were all declared to UNMOVIC by Iraq. I noted that the Al Samoud 2 and the Al Fatah could very well represent prima facie cases of proscribed missile systems, as they had been tested to ranges exceeding the 150-kilometre limit set by the Security Council. I also noted that Iraq had been requested to cease flight tests of these missiles until UNMOVIC completed a technical review.

Earlier this week, UNMOVIC missile experts met for two days with experts from a number of Member States to discuss these items. The experts concluded unanimously that, based on the data provided by Iraq, the two declared variants of the Al Samoud 2 missile were capable of exceeding 150 kilometres in range. This missile system is therefore proscribed for Iraq pursuant to resolution 687 (1991) and the monitoring plan adopted under resolution 715 (1991). As for the Al Fatah, the experts found that clarification of the missile data supplied by Iraq was required before the capability of the missile system could be fully assessed.

With respect to the casting chambers, I note the following: UNSCOM ordered and supervised the destruction of the casting chambers that had been intended for use in the production of the proscribed Badr-2000 missile system. Iraq has declared that it has reconstituted these chambers. The experts have confirmed that the reconstituted casting chambers could still be used to produce motors for missiles capable of ranges significantly greater than 150 kilometres. Accordingly, these chambers remain proscribed.

The experts also studied the data on the missile-engine test stand that is nearing completion and have assessed it to be capable of testing missile engines with thrusts greater than that of the SA-2 engine. So far, the test stand has not been associated with a proscribed activity.

On the matter of the 380 SA-2 missile engines imported outside of the export-import mechanism and in contravention of paragraph 24 of resolution 687 (1991), UNMOVIC inspectors were informed by Iraq during an official briefing that these engines were intended for use in the Al Samoud 2 missile system, which has now been assessed to be proscribed. Any such engines configured for use in this missile system would also be proscribed.

I intend to communicate these findings to the Government of Iraq.

At the meeting in Baghdad on 8 and 9 February, the Iraqi side addressed some of the important outstanding disarmament issues and gave us a number of papers, for instance regarding anthrax and growth material, the nerve agent VX and missile production. Experts who were present from our side studied the papers during the evening of 8 February and met with Iraqi experts in the morning of 9 February for further clarifications. Although no new evidence was provided in the papers and no open issues were closed through them or the expert discussions, the presentation of the papers could be indicative of a more active attitude focusing on important open issues.

The Iraqi side suggested that the problem of verifying the quantities of anthrax and two VX precursors, which had been declared unilaterally destroyed, might be tackled through certain technical and analytical methods. Although our experts are still assessing the suggestions, they are not very hopeful that it could prove possible to assess the quantities of material poured into the ground years ago. Documentary evidence and testimony by staff who dealt with the items still appear to be needed.

Not least against this background, a letter of 12 February from Iraq's National Monitoring Directorate may be of relevance. It presents a list of names of 83

participants "in the unilateral destruction in the chemical field, which took place in the summer of 1991". As the absence of adequate evidence of that destruction has been and remains an important reason why quantities of chemicals have been deemed unaccounted for, the presentation of a list of persons who can be interviewed about the actions appears useful and pertains to cooperation on substance. I trust that the Iraqi side will put together a similar list of names of persons who participated in the unilateral destruction of other proscribed items, notably in the biological field.

The Iraqi side also informed us that the commission that had been appointed in the wake of our finding 12 empty chemical weapons warheads had had its mandate expanded to look for any still existing proscribed items. This was welcomed.

A second commission, we learned, has now been appointed with the task of searching all over Iraq for more documents relevant to the elimination of proscribed items and programmes. It is headed by the former Minister of Oil, General Amer Rashid, and is to have very extensive powers of search in industry, administration and even private houses.

The two commissions could be useful tools to come up with proscribed items to be destroyed and with new documentary evidence. They evidently need to work fast and effectively to convince us, and the world, that this is a serious effort.

The matter of private interviews was discussed at length during our meeting in Baghdad. The Iraqi side confirmed the commitment, which it made to us on 20 January, to encourage persons asked to accept such interviews, whether in or out of Iraq. So far, we have only had interviews in Baghdad. A number of persons have declined to be interviewed unless they were allowed to have an official present or were allowed to tape the interview. Three persons who had previously refused interviews on UNMOVIC's terms subsequently accepted such interviews, just prior to our talks in Baghdad on 8 and 9 February. These interviews proved informative. No further interviews have since been accepted on our terms. I hope this will change. We feel that interviews conducted without any third party present and without tape recording would provide the greatest credibility.

At the recent meeting in Baghdad, as on several earlier occasions, my colleague Mr. ElBaradei and I urged the Iraqi side to enact legislation implementing the United Nations prohibitions regarding weapons of mass destruction. This morning we had a message th[at] a presidential decree containing prohibitions with regard to importation and production of biological, chemical and nuclear weapons has now been issued. We have not yet had time to study the details of the text of the decree.

I should like to make some comments on the role of intelligence in connection with inspections in Iraq. A credible inspection regime requires that Iraq provide full cooperation on process, granting immediate access everywhere to inspectors, and on substance, providing full declarations supported by relevant information and material and evidence. However, with the closed society in Iraq of today and the history of inspections there, other sources of information, such as defectors and government intelligence agencies are required to aid the inspection process.

I remember how, in 1991, several inspections in Iraq that were based on information received from a Government helped to disclose important parts of the nuclear weapons programme. It was realized that an international organization authorized to perform inspections anywhere on the ground could make good use of information obtained from Gwith eyes in the sky, ears in the ether, access to defectors, and both eyes and ears on the market for weapons-related material. It was understood that the information residing in the intelligence services of Governments could come to very active use in the international effort to prevent proliferation of weapons of mass destruction. This remains true, and by now we have a good deal of experience in the matter.

International organizations need to analyse such information critically and especially benefit when it comes from more than one source. The intelligence agencies, for their part, must protect their sources and methods. Those who provide such information must know that it will be kept in strict confidence and be known to very few people. UNMOVIC has achieved good working relations with intelligence agencies, and the amount of information provided has been gradually increasing. However, we must recognize that there are limitations and that misinterpretations can occur.

Intelligence information has been useful for UNMOVIC. In one case, it led us to a private home where documents mainly relating to laser enrichment

of uranium were found. In other cases, intelligence has led to sites where no proscribed items were found. Even in such cases, however, inspection of these sites was useful in proving the absence of such items and in some cases the presence of other items — conventional munitions. It showed that conventional arms are being moved around the country and that movements are not necessarily related to weapons of mass destruction.

The presentation of intelligence information by the United States Secretary of State suggested that Iraq had prepared for inspections by cleaning up sites and removing evidence of proscribed weapons programmes. I would like to comment only on one case, with which we are familiar, namely, the trucks identified by analysts as being for chemical decontamination at a munitions depot. This was a declared site, and it was certainly one of the sites Iraq would have expected us to inspect. We have noted that the two satellite images of the site were taken several weeks apart. The reported movement of munitions at the site could just as easily have been a routine activity as a movement of proscribed munitions in anticipation of an imminent inspection. Our reservation on this point does not detract from our appreciation for the briefing.

Yesterday, UNMOVIC informed the Iraqi authorities of its intention to start using the U-2 surveillance aircraft early next week under arrangements similar to those UNSCOM had followed. We are also in the process of working out modalities for the use of the French Mirage aircraft starting late next week and for the drones supplied by the German Government. The offer from Russia of an Antonov aircraft with night vision capabilities is a welcome one and is next on our agenda for further improving UNMOVIC's and IAEA's technical capabilities. These developments are in line with suggestions made in a non-paper recently circulated by France, suggesting a further strengthening of the inspection capabilities.

It is our intention to examine the possibilities for surveying ground movements, notably by trucks. In the face of persistent intelligence reports, for instance about mobile biological weapons production units, such measures could well increase the effectiveness of inspections.

UNMOVIC is still expanding its capabilities, both in terms of numbers of staff and technical resources. On my way to the recent Baghdad meeting, I stopped in Vienna to meet 60 experts who had just completed our general training course for inspectors. They came from 22 countries, including Arab countries.

UNMOVIC is not infrequently asked how much more time it needs to complete its task in Iraq. The answer depends upon which task one has in mind: the elimination of weapons of mass destruction and related items and programmes which were prohibited in 1991 — the disarmament task — or the monitoring that no new proscribed activities occur. The latter task, though not often focused upon, is highly significant, and not controversial. It will require monitoring, which is ongoing — that is, open-ended, until the Council decides otherwise.

By contrast, the task of disarmament foreseen in resolution 687 (1991) and the progress on key remaining disarmament tasks foreseen in resolution 1284 (1999), as well as the disarmament obligations which Iraq was given a final opportunity to comply with under resolution 1441 (2002), were always required to be fulfilled in a shorter time span. Regrettably, the high degree of cooperation required of Iraq for disarmament through inspection was not forthcoming in 1991. Despite the elimination, under UNSCOM and IAEA supervision, of large amounts of weapons, weapons-related items and installations over the years, the task remained incomplete when inspectors were withdrawn almost eight years later, at the end of 1998.

If Iraq had provided the necessary cooperation in 1991, the phase of disarmament under resolution 687 (1991) could have been short, and a decade of sanctions could have been avoided. Today, three months after the adoption of resolution 1441 (2002), the period of disarmament through inspection could still be short if immediate, active and unconditional cooperation with UNMOVIC and IAEA were to be forthcoming.

The President: I thank Mr. Blix for his briefing.

I now give the floor to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA).

Mr. ElBaradei: My report to the Council today is an update on the status of the nuclear verification activities of the International Atomic Energy Agency (IAEA) in Iraq, pursuant to Security Council resolution

1441 (2002) and other relevant resolutions. Less than three weeks have passed since my last update to the Council, on 27 January, a relatively short period in the overall inspection process. However, I believe it is important for the Council to remain actively engaged and fully informed at this critical time.

The focus of the IAEA's inspections has now moved from the reconnaissance phase into the investigative phase. The reconnaissance phase was aimed at re-establishing rapidly our knowledge base of Iraq's nuclear capabilities, ensuring that nuclear activities at known key facilities had not been resumed, verifying the location of nuclear material and relevant non-nuclear material and equipment, and identifying the current workplaces of former key Iraqi personnel. The focus of the investigative phase is achieving an understanding of Iraq's activities over the last four years, in particular in areas identified by States as being of concern and in those identified by IAEA on the basis of its own analysis.

Since our 27 January report, IAEA has conducted an additional 38 inspections at 19 locations, for a total of 177 inspections at 125 locations. Iraq has continued to provide immediate access to all locations. In the course of the inspections, we have identified certain facilities at which we will be re-establishing containment and surveillance systems in order to monitor, on a continuous basis, activities associated with critical dual-use equipment. At this time, we are using recurrent inspections to ensure that this equipment is not being used for prohibited purposes.

As I mentioned in my last report to the Council, we have a number of wide-area and location-specific measures for detecting indications of undeclared past or ongoing nuclear activities in Iraq, including environmental sampling and radiation detection surveys. In this regard, we have been collecting a broad variety of samples, including water, sediment and vegetation, at inspected facilities and at other locations across Iraq, and analysing them for signature of nuclear activities.

We have also resumed air sampling at key locations in Iraq. Three of the four air samplers that were removed in December 2002 for refurbishing have been returned to Iraq. One of these has been installed at a fixed location, and the other two are being operated from mobile platforms. We intend to increase their number to make optimum use of this technique.

We are also continuing to expand the use of hand-held and car-borne gamma surveys in Iraq. The gamma survey vehicle has been used en route to inspection sites and within sites, as well as in urban and industrial areas. We will start helicopter-borne gamma surveys as soon as the relevant equipment receives its final certification for use on the helicopter model provided to us for use in Iraq.

IAEA has continued to interview key Iraqi personnel. We have recently been able to conduct four interviews in private, that is, without the presence of an Iraqi observer. The interviewees, however, have tape-recorded their interviews. In addition, discussions have continued to be conducted with Iraqi technicians and officials as part of inspection activities and technical meetings. I should note that, during our recent meeting in Baghdad, Iraq reconfirmed its commitment to encourage its citizens to accept interviews in private, both inside and outside of Iraq.

In response to a request by IAEA, Iraq has expanded the list of relevant Iraqi personnel to over 300, along with their current work locations. The list includes the higher-level scientists known to IAEA in the nuclear and nuclear-related areas. We will continue, however, to ask for information about Iraqi personnel of lesser rank whose work may be of significance to our mandate.

I would like now to provide an update on a number of specific issues that we are currently pursuing. I should mention that, shortly before our recent meeting in Baghdad, and based on our discussions with the Iraqi counterpart, Iraq provided documentation related to these issues: the reported attempt to import uranium, the attempted procurement of aluminium tubes, the procurement of magnets and magnet production capabilities, the use of the high explosive HMX, and those questions and concerns that were outstanding in 1998. I will touch briefly on each of those issues.

Iraq continues to state that it has made no attempt to import uranium since the 1980s. IAEA recently received some additional information relevant to this issue, which will be further pursued, hopefully with the assistance of the African country reported to have been involved.

IAEA is also continuing to follow up on acknowledged efforts by Iraq to import high-strength aluminium tubes. As members will know, Iraq has

declared these efforts to have been in connection with a programme to reverse-engineer conventional rockets. The IAEA has verified that Iraq had indeed been manufacturing such rockets. However, we are still exploring whether the tubes were intended rather for the manufacture of centrifuges for uranium enrichment. In connection with this investigation, Iraq has been asked to explain the reasons for the tight tolerance specifications that it had requested from various suppliers. Iraq has provided documentation related to the project of reverse engineering and has committed itself to providing samples of tubes received from prospective suppliers. We will continue to investigate the matter further.

In response to IAEA inquiries about Iraq's attempts to procure a facility for the manufacture of magnets, and the possible link with the resumption of a nuclear programme, Iraq recently provided additional documentation, which we are now examining.

In the course of an inspection conducted in connection with the aluminium tube investigation, IAEA inspectors found a number of documents relevant to transactions aimed at the procurement of carbon fibre, a dual-use material used by Iraq in its past clandestine uranium enrichment programme for the manufacture of gas centrifuge rotors. Our review of these documents suggests that the carbon fibre sought by Iraq was not intended for enrichment purposes, as the specifications of the material appear not to be consistent with those needed for manufacturing rotor tubes. In addition, we have carried out follow-up inspections, during which we have been able to observe the use of such carbon fibre in non-nuclear-related applications and to take samples. IAEA will, nevertheless, continue to pursue this matter.

We have also continued to investigate the relocation and consumption of the high explosive HMX. As I reported earlier, Iraq has declared that 32 tons of HMX previously under IAEA seal has been transferred for use in the production of industrial explosives, primarily to cement plants as a booster for explosives used in quarrying.

Iraq has provided us with additional information, including documentation on the movement and use of this material, and inspections have been conducted at locations where the material is said to have been used. However, given the nature of the use of high explosives, it may well be that IAEA will be unable to reach a final conclusion on the end use of this material. While we have no indication that this material was used for any application other than that declared by Iraq, we have no technical method of verifying, quantitatively, the declared use of the material in explosions. We will continue to follow this issue through a review of civilian mining practices in Iraq and through interviews of key Iraqi personnel involved in former relevant research and development activities.

We have completed a more detailed review of the 2,000 pages of documents found on 16 January at the private residence of an Iraqi scientist. The documents relate predominantly to lasers, including the use of laser technology to enrich uranium. They consist of technical reports; minutes of meetings, including those of the Standing Committee for Laser Applications; personal notes; copies of publications and student research project theses; and a number of administrative documents, some of which were marked as classified. While the documents have provided some additional details about Iraq's laser enrichment development efforts, they refer to activities or sites already known to IAEA and appear to be the personal files of the scientist in whose home they were found. Nothing contained in the documents alters the conclusions previously drawn by IAEA concerning the extent of Iraq's laser enrichment programme. We nevertheless continue to emphasize to Iraq that it should search for and provide all documents, personal or otherwise, that might be relevant to our mandate.

Last week, Iraq also provided IAEA with documentation related to questions and concerns that, since 1998, have been in need of further clarification, particularly as regards weapons and centrifuge design. However, no new information was contained in that documentation.

It is to be hoped that the new commissions established by Iraq to look for any additional documents and hardware relevant to its programmes for weapons of mass destruction will be able to uncover documents and other evidence that could assist in clarifying these remaining questions and concerns, as well as other areas of current concern.

Finally, as Mr. Blix mentioned earlier, I was informed this morning by the Director General of Iraq's National Monitoring Directorate that national legislation prohibiting proscribed activities was adopted today. The resolution of this long-standing

legal matter is, in my view, a step in the right direction if Iraq is to demonstrate its commitment to fulfilling its obligations under Security Council resolutions.

In the coming weeks, IAEA will continue to expand its inspection capabilities in a number of ways, including its already extensive use of unannounced inspections at all relevant sites in Iraq. To strengthen and accelerate our ability to investigate matters of concern, and to reinstate and reinforce our ongoing monitoring and verification system, which came to a halt in 1998, we intend to increase the number of inspectors and support staff. We will also be adding more analysts and translators to support analysis of documents and other inspection findings. We intend to augment the number of customs and procurement experts for the monitoring of imports by Iraq. We will also intensify and expand the range of technical meetings and private interviews with Iraqi personnel, in accordance with our preferred modalities and locations, both inside and outside Iraq.

In addition, we intend to expand our capabilities for near real-time monitoring of dual-use equipment and related activities and to implement several additional components of wide-area environmental monitoring aimed at identifying fingerprints left by nuclear material and nuclear-related activities.

We hope to continue to receive from States actionable information relevant to our mandate. Now that Iraq has accepted the use of all of the platforms for aerial surveillance proposed by supporting States to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and IAEA — including U-2s, Mirage IVs, Antonovs and drones — we plan to make use of them to support our inspection activities, in particular with a view to monitoring movements in and around sites to be inspected.

The Government of Iraq reiterated last week its commitment to comply with its Security Council obligations and to provide full and active cooperation with the inspecting organizations. Subject to Iraq's making good on this commitment, the measures to which I have referred will contribute to the effectiveness of the inspection process.

As I have reported on numerous occasions, by December 1998 IAEA concluded that it had neutralized Iraq's past nuclear programme and that therefore no unresolved disarmament issues remained at that time. Hence, our focus since the resumption of our inspections in Iraq two and a half months ago has been verifying whether Iraq revived its nuclear programme in the intervening years.

We have to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq. However, as I have just indicated, a number of issues are still under investigation and we are not yet in a position to reach a conclusion about them, although we are moving forward with regard to some of them. To that end, we intend to make full use of the authority granted to us under all relevant Security Council resolutions to build as much capacity into the inspection process as necessary.

In that context, I would underline the importance of information that States may be able to provide to help us in assessing the accuracy and completeness of the information provided by Iraq.

IAEA's experience in nuclear verification shows that it is possible, particularly with an intrusive verification system, to assess the presence or absence of a nuclear weapons programme in a State even without the full cooperation of the inspected State. However, prompt, full and active cooperation by Iraq, as required under resolution 1441 (2002), will speed up the process. More importantly, it will enable us to reach the high degree of assurance required by the Security Council in the case of Iraq, in view of its past clandestine programmes for weapons of mass destruction and its past pattern of cooperation. It is my hope that the commitments made recently in Baghdad will continue to translate into concrete and sustained actions.

The President: I thank Mr. ElBaradei for his briefing.

Before giving the floor to Council members, I wish to recall the understanding reached among ourselves, namely, that all participants will limit their statements to no more than seven minutes, in order to enable the Council to work efficiently within its timetable.

I now call on Mr. Farouk Al-Shara', Deputy Prime Minister and Minister for Foreign Affairs of the Syrian Arab Republic.

Mr. Al-Shara' (Syrian Arab Republic) (*spoke in Arabic*): Three months ago, the Council unanimously adopted resolution 1441 (2002). Syria joined the consensus after receiving assurances and clarifications

that voting in favour of the draft resolution meant proceeding seriously towards a peaceful resolution of the issue of the disarmament of Iraq of weapons of mass destruction and that it would not be used as a pretext for waging war against Iraq.

A moment ago, Mr. Blix and Mr. ElBaradei presented their reports and noted the progress made in the period that has elapsed since they made their last reports to the Council. This means that in only two weeks substantial progress has been made in the work of the inspectors. The progress reached its peak today when Iraq approved a law prohibiting weapons of mass destruction. That progress proves that the inspections are leading to significant results through dialogue, cooperation and mutual trust between the inspectors and Iraq. Therefore, the Council must continue to support the inspectors and allow them sufficient time to undertake their task as set out in resolution 1441 (2002).

Our region stands at a grave crossroads, teetering between war and peace. Our region has suffered tremendously from the scourge of many wars, and it continues to this very day to suffer a racist policy directed against the defenceless Palestinian people, a policy based on occupation and settlement and bent on destroying man and nature alike.

Since 1973, we have been counselled to adopt policies to pursue a peaceful settlement to the Arab-Israeli conflict, to normalize relations with Israel and to cooperate with it in various areas. This is despite the fact that Israel, first, continues to occupy Syrian, Palestinian and Lebanese territories, to build settlements in them and to threaten its neighbours. Secondly, Israel continues to possess all types of weapons of mass destruction; it is in exclusive possession of nuclear weapons and rejects all international supervision and inspections, unlike the States of the Middle East that have accepted such international supervision and inspections. Thirdly, Israel continues to defy all relevant United Nations resolutions — more than 500 of them, 31 of which were adopted by the Security Council. Israel refuses to recognize an independent Palestinian State, as endorsed by the international community, including the United States of America. Even when the United States of America voted in favour of those resolutions, they remained a dead letter — or as we say in Arabic: ink on paper. The ink has faded of late and the paper has turned yellow. And miraculously, Mr. Sharon has become a "man of peace".

Against that backdrop, allow me to ask, where does today's Iraq stand? Has Iraq not recognized the State of Kuwait and its international borders, which were demarcated by the Security Council? Were not no-flight zones imposed on Iraq in the northern and southern parts of the country without any legal basis that could justify such a ban? Has Iraq not unconditionally and unreservedly opened its doors to the inspectors? Has it not cooperated with them positively, while Israel rejects any form of inspection of its nuclear facilities? Against that paradoxical backdrop, are we not justified in wondering whether such policies indicate double standards? Or perhaps we should realize that the real danger lies in the fact that those policies are deliberately designed to put Iraq and Palestine, in particular, and the Arabs and Muslims, in general, in a difficult position and to jeopardize their present and their future? Will not such policies have an impact on the vital interests of the world at large?

We are in favour of a peaceful solution to the question of Iraq. Common sense dictates that there is no alternative to such a solution. As Iraq's neighbour, and having considerable experience with current events in our area, we understand better than anyone else that this would be the first war in the Middle East region to be unanimously rejected by Arabs. And the great majority of the people of the world say no to this war.

This war will have grave consequences for the unity and territorial integrity of Iraq and its people. It will spill over to the entire region. The war will lead to total anarchy and will benefit only those whose aim is to spread fear and destruction everywhere. Those who are beating the drums of war make no secret of their goal, which is not to disarm Iraq of its weapons of mass destruction. Rather, they have a hidden agenda that they seek to implement throughout the entire region. The prelude to that agenda is the war against Iraq. Had they really sought the elimination of Iraq's weapons of mass destruction they would have done so by supporting the work of the inspectors and by granting them enough time to accomplish their task.

We support a peaceful settlement of the question of Iraq because we believe that the option of war would erode the international coalition against terrorism. The first signs of that erosion have already appeared, in the Afghan theatre. We will spare the Council any details,

with which we assume members are all too familiar. Simply thinking that war is an option open to the Security Council is in itself proof both of the Council's failure to carry out its task and of the failure of the entire international order. In these circumstances, we believe that there is no alternative to respecting the Charter of the United Nations and using its institutions to safeguard world peace, security and prosperity, instead of poising the world on the edge of a volcano for many long months.

The efforts of prominent members of the Security Council to stress the need to pursue a peaceful solution in implementing Security Council resolution 1441 (2002) give us hope that the world order is still in good shape. In that context, we recognize the French, German, Russian and Chinese efforts, as well as those of the majority of other members of the Security Council, that are fully devoted to the promotion of the United Nations, its Charter and its central role. We should all appreciate those efforts.

We have considered the French proposal to strengthen the work of the inspectors. The inspections have brought considerable achievements that could not be attained by military force. Therefore, we support the French ideas because they provide an alternative to war. They constitute a basis for strengthening the inspections regime in order to enable it to complete as soon as possible the task entrusted to it. The fulfilment of this task will immediately lead to the lifting, through appropriate measures, of the sanctions imposed on Iraq under Security Council resolution 687 (1990). It would also lead to activation of paragraph 14 of that resolution, which would designate the Middle East as a zone free from all weapons of mass destruction: nuclear, biological-bacteriological and chemical, without excepting any State, including Israel, which alone has acquired all of those lethal weapons.

In conclusion, this is truly a historic moment. War in the twenty-first century is not a game. It has become a tragedy condemned by history. Let us work for peace, because we can achieve peace if we pursue it in good faith, with strong determination and with the political will. These requirements are readily available to those who are faithful to the United Nations Charter, a charter which, when all is said and done, remains the sole authority capable of maintaining world peace and security.

The President: I now call on the Minister for Foreign Affairs of France, His Excellency Mr. Dominique Galouzeau de Villepin.

Mr. Galouzeau de Villepin (France) (*spoke in French*): I would like to thank Mr. Blix and Mr. ElBaradei for the information they have just given us on the ongoing inspections in Iraq. I would like to reiterate to them France's confidence in and complete support for their work.

One knows the value France has placed on the unity of the Security Council from the outset of the Iraqi crisis. Today this unity is based on two fundamental elements.

Together we are pursuing the objective of effectively disarming Iraq, and therefore we are obligated to achieve results. We must not call into question our common commitment in this regard. Collectively we bear this onerous responsibility that must leave no room for ulterior motives or assumptions. Let us be clear: none of us feels the least indulgence towards Saddam Hussain and the Iraqi regime.

In unanimously adopting resolution 1441 (2002) we collectively expressed our agreement with the two-stage approach proposed by France: disarmament through inspections and, if this strategy should fail, consideration by the Security Council of all the options, including resorting to force. Clearly, it was in the event that inspections failed, and only in that case, that a second resolution could be justified.

The question today is simple: do we believe in good conscience that disarmament via inspections missions is now a dead end, or do we believe that the possibilities regarding inspections made available in resolution 1441 (2002) have not yet been fully explored?

In response to this question, France believes two things. First, the option of inspections has not been exhausted, and it can provide an effective response to the imperative of disarming Iraq. Secondly, the use of force would have such heavy consequences for the people, the region and international stability that it should be envisaged only as a last resort.

What have we just learned from the reports by Mr. Blix and Mr. ElBaradei? We learned that the inspections are producing results. Of course, each of us would like more, and we will continue, together, to put

pressure on Baghdad in order to obtain more. But the inspections are producing results.

In previous reports to the Security Council, on 27 January 2003, the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the Director General of the International Atomic Energy Agency (IAEA) identified with precision the areas in which progress was expected. Significant gains have now been made on several of these fronts.

The Iraqis have provided the inspectors with new documents regarding chemical and biological weapons and also announced they are establishing commissions of inquiry led by former officials of weapons programmes, in accordance with the requests of Mr. Blix. In the ballistic area, the information provided by Iraq has also enabled the inspectors to make progress. We now know exactly the real capabilities of the Al Samoud 2 missile. Dismantling of unauthorized programmes must now begin, in accordance with Mr. Blix's conclusions. In the nuclear domain, useful information has been given to IAEA on the important points discussed by Mr. ElBaradei on 27 January: the acquisition of magnets that could be used to enrich uranium and the list of contacts between Iraq and the country that may have provided it with uranium.

We are now at the heart of the logic of resolution 1441 (2002), which must ensure effective inspections through precisely identifying banned programmes and then eliminating them. We are all well aware that the success of the inspections presupposes that we get full and complete cooperation from Iraq, something France has consistently demanded.

We are starting to see real progress. Iraq has agreed to aerial reconnaissance over its territory. It has allowed Iraqi scientists to be questioned by inspectors without witnesses. A draft legislative bill barring all activities linked to programmes for weapons of mass destruction is being adopted, in accordance with a long-standing request from the inspectors. Iraq is providing a detailed list of the experts who witnessed the destruction of military programmes in 1991.

Naturally France expects these commitments to be verified. Beyond that we must maintain strong pressure on Iraq so that it goes further along the path of cooperation.

Progress like this strengthens us in our conviction that the inspections can be effective, but we must not close our eyes to the amount of work that remains to be done. Questions remain to be clarified, verifications must be made, and installations or equipment undoubtedly remain to be destroyed.

In order to do this we must give the inspections every opportunity to succeed. On 5 February I made proposals to the Council. Since then we detailed those proposals in a working document addressed to Mr. Blix and Mr. ElBaradei and distributed to Council members. What is the spirit of those proposals? They are practical and concrete proposals that can be quickly implemented and are designed to enhance the efficiency of inspection operations. They fall within the framework of resolution 1441 (2002) and consequently do not require a new resolution by the Council. These proposals support the efforts of Mr. Blix and Mr. ElBaradei, who are the best to tell us which ones they wish to accept to ensure maximum effectiveness in their work.

Mr. Blix and Mr. ElBaradei have already made useful and operational comments in their reports. France has already announced it has additional resources to make available to Mr. Blix and Mr. ElBaradei, starting with our Mirage IV reconnaissance aircraft.

Yes, I hear the critics: there are those who think that, in principle, inspections cannot be at all effective. But I recall that they are the very foundation of resolution 1441 (2002) and that the inspections are producing results. One may judge them to be insufficient, but they are there. Then there are those who believe that continuing the inspection process would be a kind of delaying tactic aimed at preventing military intervention. That naturally raises the question of the time allotted to Iraq. Here, we are at the centre of the debate. What is at stake is our credibility and our sense of responsibility. Let us have the courage to see things plainly.

There are two options. The option of war might seem, on the face of it, to be the swifter. But let us not forget that, after the war is won, the peace must be built. And let us not delude ourselves: that will be long and difficult, because it will be necessary to preserve Iraq's unity and to restore stability in a lasting way in a country and a region harshly affected by the intrusion of force. In the light of that perspective, there is the

alternative offered by inspections, which enable us to move forward, day by day, on the path of the effective and peaceful disarmament of Iraq. In the end, is that not the surer and the swifter choice?

No one can maintain today that the path of war will be shorter than the path of inspections; no one can maintain that it would lead to a safer, more just and more stable world. For war is always the outcome of failure. Could it be our sole recourse in the face of today's many challenges?

Therefore, let us give the United Nations inspectors the time that is necessary for their mission to succeed. But let us together be vigilant and ask Mr. Blix and Mr. ElBaradei to report regularly to the Council. France, for its part, proposes another meeting at ministerial level, on 14 March, to assess the situation. Thus we would be able to judge the progress made and what remains to be accomplished.

In that context, the use of force is not justified at this time. There is an alternative to war: disarming Iraq through inspections. Moreover, premature recourse to the military option would be fraught with risks. The authority of our action rests today on the unity of the international community. Premature military intervention would call that unity into question, and that would remove its legitimacy and, in the long run, its effectiveness. Such intervention could have incalculable consequences for the stability of a scarred and fragile region. It would compound the sense of injustice, would aggravate tensions and would risk paving the way for other conflicts.

We all share the same priority: fighting terrorism mercilessly. That fight requires total determination; since the tragedy of 11 September 2001, it has been one of the main responsibilities of our peoples. And France, which has been struck hard several times by that terrible scourge, is wholly mobilized in this struggle, which involves all of us and which we must pursue together. That was the sense of the Security Council meeting held on 20 January at France's initiative.

Ten days ago, the United States Secretary of State, Mr. Powell, cited alleged links between Al-Qaeda and the Baghdad regime. Given the present state of our research and information, gathered in liaison with our allies, nothing enables us to establish such links. Moreover, we must assess the impact that a disputed military action would have on that level. Would not such an intervention be likely to deepen divisions among societies, among cultures, among peoples — divisions that nurture terrorism?

France has always said that we do not exclude the possibility that, one day, we might have to resort to force if the inspectors' reports concluded that it was impossible for inspections to continue. Then the Council would have to take a decision, and its members would have to shoulder all of their responsibilities. In such a scenario, I want to recall here the questions that I stressed at our last debate, on 5 February, to which we must respond. To what degree do the nature and the extent of the threat justify immediate recourse to force? How do we ensure that the considerable risks of such an intervention can actually be kept under control?

In any case, in such an eventuality it is the unity of the international community that would guarantee its effectiveness. Likewise, it is the United Nations that, whatever may happen, will remain tomorrow at the centre of the peace to be built. To those who ask with anguish when and how we will yield to war, I should like to say that nothing will be done in the Security Council, at any time, in haste, out of a lack of understanding, out of suspicion or out of fear. In this temple, the United Nations, we are the guardians of an ideal; we are the guardians of a conscience. The heavy responsibility and the immense honour that are ours must lead us to give priority to disarmament through peace.

It is an old country, France, of an old continent such as mine, Europe, that speaks before the Council today, that has known war, occupation, barbarity — a country that does not forget and that is aware of all it owes to the fighters for freedom who came from America and elsewhere. And yet France has always stood upright in the face of history and before mankind. Faithful to its values, it wants to act resolutely with all the other members of the international community. We believe in our ability to build a better world together.

The President: I now call on Her Excellency Mrs. Soledad Alvear Valenzuela, Minister for Foreign Affairs of Chile.

Mrs. Alvear Valenzuela (Chile) (*spoke in Spanish*): At the outset, I wish to thank Mr. Blix and Mr. ElBaradei for the detailed and careful reports that they presented to the Council this morning on the progress of the inspection teams of the United Nations

Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq. The reports reflect the professional integrity that has characterized the work of the inspectors and the honesty with which the truth has been uncovered and reported in a situation that is not free of complexities and obstacles. We listened attentively to their reports, in the constructive spirit of a country that sincerely believes in the value of the multilateral system, in the binding nature of Security Council resolutions and in the correctness of the decision to explore all possible ways to maintain peace.

My Government will study these reports over the coming days with the care that is needed for us to participate responsibly in the debates in which the Council will consider the evolution of this process, seeking to adopt decisions that are based on facts and not on mere hypotheses.

However, what we have heard this morning shows that the regime which governs Iraq still has an ambivalent attitude towards the inspection process. While there are indications of progress that could still raise some hopes for a decisive change in attitude on the part of the Iraqi regime towards the demands of the international community, negative and dilatory attitudes remain, revealing an intention not to cooperate and giving rise to suspicions about the presence of weapons of mass destruction in the territory of Iraq.

In the light of the information given us by the head of UNMOVIC and by the Director General of IAEA this morning, it is our hope that the Government of Iraq will step up its cooperation without delay by providing the information required by the inspectors in order to allow the effective implementation of the resolutions of this Council.

Given this situation, I wish to reiterate today the points upon which Chile has based its position since this debate began.

First, the resolutions of the Security Council must be fully implemented without a selective approach to their provisions. That is not what Iraq is doing. We therefore recognize that maintaining pressure on the regime of Saddam Hussain has proven to be the only mechanism capable of bringing about a certain openness and respect for the decisions of the Council. That pressure must therefore be maintained relentlessly and without relaxation. We reiterate that, in accordance with paragraphs 4 and 11 of resolution 1441 (2002), failure by Iraq to comply or any interference by Iraq with inspection activities that is reported to the Council by the head of UNMOVIC shall be considered by the Council with a view to determining whether all of its resolutions on the matter are being fully respected and to ensuring international peace and security. The resolution clearly states that Iraq will face serious consequences as a result of its violation of its obligations.

Secondly, my country believes that, in keeping with the categorical and urgent tone of resolution 1441 (2002), the inspection process must be continued, strengthened and expanded to make it accurate, intrusive and capable of thwarting any effort at deception or evasion that the Iraqi regime might attempt. In this connection, we await with interest the opinions of the inspectors on the usefulness and applicability of the proposals put forward by France. It is evident, however, that the time available to us is not infinite. The gravity of the situation requires immediate and definitive responses from the Iraqi regime to the inspectors.

Thirdly, Chile considers that the United Nations and the Security Council have a key role to play in this crisis. We believe that careful thought must be given to this issue. We wish clearly to affirm that we have noted with dismay over the past month a growing division within the Council. This alarming development, while rooted in positions towards the crisis that are legitimately different, has been fuelled by a lack of willingness to listen and to propose. We wish to contribute to the effort to return to the path of debate and to a method of work that combines conviction with respect for the concerns of others, the capacity of persuasion with tolerance and, above all, patience.

As the Secretary-General recently stated in his review of the current situation,

> "The Council should proceed in a determined, reflective and deliberate manner. Its measures must be seen as firm, effective, credible and reasonable not only by the Council members, but by the public at large."

We therefore agree with the Secretary-General that unity of the Council is the basis of any international action that seeks to be both legitimate and effective. Only a united Council could credibly adopt the

appropriate decisions for achieving the objective of the disarmament of the Iraqi regime.

We therefore wholeheartedly accept the Secretary-General's invitation to us to take the necessary time to continue to seek the broadest possible consensus for achieving a comprehensive solution that would restore to the Iraqi people, who have suffered for so long, the opportunity to participate fully in the international community. It is only in this spirit that we can turn the affirmation on which we all agree into a reality: that of exhausting all means to settle this conflict peacefully and reserving the use of force until the moment when it becomes clear to all that peaceful means have failed.

The President: I now call on His Excellency Mr. Tang Jiaxuan, Minister for Foreign Affairs of China.

Mr. Tang Jiaxuan (China) (*spoke in Chinese*): Let me begin by thanking Mr. Blix and Mr. ElBaradei for reporting to the Security Council on their inspection work in Iraq. Last November, this Council adopted resolution 1441 (2002) by consensus, reiterating the firm determination of the international community to verify and destroy weapons of mass destruction in Iraq's possession. Now the Iraqi issue has reached its most critical juncture. The international community shares the universal hope to see a political resolution of this issue within the United Nations framework and places tremendous expectations on the inspection work of the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency. Here, I wish to share some of my views with the Security Council.

First, Iraq must implement the relevant Security Council resolutions strictly, comprehensively and earnestly. We urge the Iraqi side to recognize fully the importance and urgency of the inspections and to provide greater cooperation in a more proactive way. The latest visit to Baghdad by the two chief United Nations inspectors has achieved some positive results. The Iraqi side has made some commitments. We request Iraq to make good on those promises as soon as possible and to provide clarifications and explanations as soon as possible regarding the questions raised by the two chief inspectors in their briefings earlier.

Secondly, it is necessary for the inspection work in Iraq to continue. Resolution 1441 (2002) provides explicit authorization and specific requirements for the inspections.

Pursuing the implementation of this resolution remains an important task for us. In that respect, a great deal of work still needs to be done by the Security Council and by the two inspection bodies. Judging from what has been done in the recent past, the inspection work has made progress and has clarified quite a number of issues. However, new elements have also been discovered in that process. The two bodies are duty-bound and justified to further the inspections with the aim of finding out the truth and fulfilling the mission conferred on them by the Security Council. Thus, in agreement with the majority opinion among Council members, China believes that the inspection process is working and that the inspectors should continue to be given the time they need so as to implement resolution 1441 (2002).

Thirdly, the Security Council has to step up its efforts with regard to the inspections. The Iraqi issue bears on peace and stability in the Gulf region and on the credibility and authority of the Security Council. The Council should deal with this complex situation appropriately and responsibly, in accordance with the purposes and principles of the Charter, in order to carry out its important task of maintaining international peace and security. Top priority must now be given to strengthening its guidance of and support for the inspection work and to facilitating a productive political settlement. Intensifying inspections is aimed at seeking a peaceful solution to the Iraqi issue. China stands ready to continue to provide the two bodies with personnel and the necessary technical assistance, thereby continuing our efforts towards a political settlement of the Iraqi issue.

China is an ancient civilization. Our ancestors proposed long ago the idea of peace being the best option. At present, peace and development are common aspirations of all peoples around the world. Sitting on the Security Council, we simply have no reason not to make every effort to reach that goal, and we are obliged to try our best, and to use all possible means to avert war. Only by pursuing a political settlement can we truly live up to the trust and hope that the international community places in the Security Council.

The President: I now give the floor to Her Excellency Ms. Ana Palacio Vallelersundi, Minister for Foreign Affairs of Spain.

Ms. Palacio Vallelersundi (Spain) (*spoke in Spanish*): Like hundreds of millions of citizens the world over, I have been following the words of the inspectors, of Mr. Blix and of Mr. ElBaradei with great care and attention and with an eagerness to hear just one sentence — an affirmation of active, immediate and complete cooperation by Saddam Hussain's regime. The inspectors have not been able to make that affirmation.

Indeed, what resounds as far as I am concerned is the last sentence in Mr. Blix's statement today:

> "Today, three months after the adoption of resolution 1441 (2002), the period of disarmament ... could still be short, if immediate, active and unconditional cooperation with UNMOVIC and the IAEA were to be forthcoming." (*supra*)

That has not been forthcoming. That is what has been observed.

It is true that there have been some advances, to which I will refer. But, above all, what we see is a long list of areas of non-compliance and unresolved issues that were mentioned in Mr. Blix's 27 January report and that have not received any clear response. Let us recall the questions of the VX precursor, the 6,500 chemical bombs and the 8,500 litres of anthrax. We have been told that, as regards the missiles, the inspectors have unanimously concluded that the Al Samoud 2 missile is longer in range than is permitted under resolution 687 (1991) and is therefore a proscribed system. We are told that the clarifications provided on the Al Fatah system are not sufficient. We are told that the casting chambers could be used to produce motors for long-range missiles. We are also told that illegally imported machinery is intended for the Al Samoud 2 system and is thus also proscribed.

I have taken due note of the fact that in the field of chemical and biological weapons, the documents submitted on VX and anthrax do not provide new evidence and do not resolve the pending issues. In addition, a list of persons who have participated in the destruction of chemical weapons has been provided, but there has been no list of persons involved in the destruction of biological material. As far as interviews are concerned, Dr. Blix told us that a number of persons have refused to be interviewed privately, and that such private interviews are essential to get information. The question is, "Why?"

In short, all the questions remain — above all the most important question, namely, is cooperation voluntary or are these superficial concessions or claims of such concessions, because time is pressing and because a further review is about to be conducted in the Security Council? Are the concessions a result of the inspections themselves? Or are they the result of international pressure, including the credible threat of the use of force?

That being said, I would like to put forward a few thoughts on some proposals that have recently been circulated to change the inspection system. The question relates to the political will of Saddam Hussain's regime, and the answer can only be yes. For that purpose, we do not need more inspections or an increase in the means available to the inspectors. It is not a question of a change in composition or in structure, because the message that would easily be seen is that the Security Council has changed the terms of reference. The message would be: the more non-compliance there is from Saddam Hussain, the more radical changes the international community needs to make. That is not the spirit or the goal of resolution 1441 (2002), which, as has been recalled here, was unanimously adopted by the Security Council. We would be sending a message of weakness on the part of the Council. We would send the message that we are prepared to rework the terms of reference of resolution 1441 (2002), and the Council would thus lose credibility.

On behalf of my Government, I wish first of all sincerely to express our deepest gratitude for the work of the inspectors. I wish once again to express my Government's support for their work. Spain has continued to work for peace and security. It is in this way that the concerns that I have voiced should be understood.

Spain is resolutely in favour of a solution to this crisis being found within the United Nations and within the Security Council. It is for this that we have been working and are continuing to work. But Spain is aware that peace and security are ensured through respect for and compliance with Security Council resolutions and that the time will come, if that change

in political attitude — that change of will to cooperate on the part of Saddam Hussain's regime — does not take place, when the Council will be obliged to assume its responsibilities in the interest of the peace and security of the world.

The President: I now call on The Right Honourable Jack Straw, MP, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland.

Mr. Straw (United Kingdom): I speak on behalf of a very old country, founded in 1066 by the French. In opening, I would like to thank Mr. Blix and Mr. ElBaradei for their reports and to express my very great appreciation to them and to their inspection teams for their great efforts in the face of what I think is still very clear: Iraq's failure fully and actively to comply with resolution 1441 (2002).

The issue before us could not be graver. It is about the authority of the United Nations and about the responsibility of the Security Council for international peace and security. Just three months ago, on 8 November, we unanimously adopted resolution 1441 (2002), submitted by the United States and ourselves. We said then that Iraq's proliferation of weapons of mass destruction and of long-range missiles and its non-compliance with Council resolutions were a threat to international peace and security.

We all knew — and we all know — that they have had these weapons. It is why we said that Iraq had them, why all 5 permanent members and all 10 elected members said the same thing. We knew that the issue was not whether Iraq had them, but whether Iraq was actively cooperating to get rid of them. We emphasized that Iraq had been found guilty 12 years ago by the world community.

It is worth just reminding ourselves that Iraq is the only country in the world that has launched missile attacks on five of its neighbours, invaded two of its neighbours — both Muslim — and killed without any justification hundreds of thousands of innocent people in Iran, in Kuwait and in Iraq itself.

In his report, Mr. Blix referred to the decisions that were made in 1991, and he said that regrettably the high degree of cooperation required by the Council of Iraq for disarmament through inspection was not forthcoming in 1991. It is worth reminding ourselves, when we discuss this issue of time scales, that on 3 April 1991, this Council gave Iraq 90 days to disarm — by 2 July 1991. In the 11 years, 7 months and 12 days — quite a lot of time — since the Council's deadline to Iraq ran out, what is it they have done?

Well, they have lied; they have concealed; they have played games — the game of catch as catch can, as Mr. Blix told us on 27 January. Saddam said for four years that he had no biological weapons programme, no anthrax bacillus, no smallpox virus, no VX nerve agent. And indeed, the inspectors found absolutely nothing. It took the defection of Saddam's own son-in-law to uncover Saddam's biological weapons programme, more terrible than anybody had thought.

To bring us up to date, as Mr. Blix and Mr. ElBaradei spelled out in their report on 27 January, Iraq has failed to account for thousands of tons of chemical weapons and precursor chemicals, of shells and bombs for anthrax, for mustard gas and for VX nerve agent. They have failed to make a full and complete disclosure, as required of them, on 7 December. They have failed to cooperate fully and actively on substance, as well as on process, with the inspectors. And they have failed substantively to meet the obligations imposed on them.

I have listened with very great care to my colleagues who have spoken so far. We all agree on the importance of resolution 1441 (2002), and it is striking that nobody who has spoken so far — and, I warrant, nobody who speaks after me — has suggested for a second that Iraq is fully and actively complying with the obligations that we imposed on them on 8 November of last year. So, Iraq's material breaches, which we spelled out on 8 November, are still there.

In that regard, I would be glad to put the following questions to the inspectors: Why did Mr. Blix think that Iraq has refurbished equipment like the engine casting chambers at Al Mamoun and the chemical processing equipment at Al Falujah, both of which were destroyed by the United Nations Special Commission (UNSCOM) because they were prohibited? Since the last report, how many interviews have taken place with the officials that the inspectors have asked to interview, and how many in places to which the inspectors are sure are not subject to electronic interception and bugging by Iraq? Has any of the outstanding material identified by UNSCOM in early 1999 — the missing 8,500 litres of anthrax, the 1.5 tons of VX nerve agent, the 6,500 chemical

bombs — been satisfactorily dealt with by Iraq? Do recent documents provided by Iraq give any serious evidence of this? As for the nuclear dossier, how many of its open issues has the International Atomic Energy Agency (IAEA) been able to close through Iraq's cooperation?

I thought that the most significant point made by Mr. Blix in his report, which has subsequently been echoed by everyone who has spoken so far, was in his closing remarks, when he said that three months after the adoption of resolution 1441 (2002), the period of disarmament through inspection could still be short if the immediate, active and unconditional cooperation with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and IAEA were to be forthcoming.

I take those words to mean that Iraq has yet to be forthcoming with that immediate, active and unconditional cooperation. I would like to ask Mr. Blix, picking up a phrase from his report of 27 January, whether he believes that Iraq has yet come to a genuine acceptance of the disarmament that has been demanded of it.

The issue before us is of the authority of the United Nations and of the defiance of United Nations resolutions. On 8 November, we said unanimously that Saddam was to have a final opportunity. Can anyone say — does anyone truly believe here — that he has yet taken that final opportunity? Like every other member of this Council, and, I believe, of the international community, I hope and believe that a peaceful solution to this crisis may still be possible. But this will require a dramatic and immediate change by Saddam, and that will be achieved only if we, the Security Council, hold our nerve in the face of this tyrant, give meaning to our words and to the decisions that we have already collectively taken, and make ourselves ready to ensure that Iraq will face the serious consequences that we all decided would have to happen if Iraq's defiance did not end.

I want to close by saying this. The period of 12 years since resolution 687 (1991) was adopted on 3 April 1991 has, frankly, been a period of humiliation for this body — the Security Council — and for the United Nations, as games have been played with the Council's authority. And the period after the inspectors were effectively kicked out by Iraq at the end of 1998 until 8 November will hardly be described as the best in the Security Council's history, because Iraq was in open defiance of the United Nations and nothing effectively was being done about its weapons of mass destruction.

I am proud that, with the United States, the United Kingdom took the initiative on this issue and tabled what became resolution 1441 (2002). I am glad to note the progress on process that has been made. I am glad to note that, notwithstanding the clear statement by the Government of Iraq on 10 September last year that inspectors would never go back into Iraq, inspectors have now gone back into Iraq. We note the progress on process that has been made.

But I also say this: in our efforts to secure a peaceful conclusion to this crisis, as we must, I know, and I think everybody else here knows, that we have reached this stage only by doing what the United Nations Charter requires of us, which is to back a diplomatic process with a credible threat of force and also, if necessary, to be ready to use that threat of force. If we back away from that — if we decide to give unlimited time for little or no cooperation on substance — then the disarmament of Iraq and the peace and security of the international community, for which we are responsible, will get not easier, but very much harder.

This issue is not just about Iraq — it is about how we deal with proliferators elsewhere across the globe. If we send out the message to proliferators the world over that defiance of the United Nations pays, it will not be peace that we will have secured.

The President: I now call on His Excellency Mr. Colin L. Powell, Secretary of State of the United States of America.

Mr. Powell (United States of America): It is a great pleasure to be here again to consider this very important matter. I am very pleased to be here as the Secretary of State of a relatively new country on the face of the Earth. But I think I can take some credit sitting here as the representative of the oldest democracy represented here around this table. I am proud of that. It is a democracy that believes in peace, a nation that has tried in the course of its history to show how people can live in peace with one another. But it is a democracy that has not been afraid to meet its responsibilities on the world stage when it has been challenged and, more importantly, when others in the world have been challenged, when the international

order has been challenged or when the international institutions of which we are a part have been challenged.

That is why we joined, and have been an active member of, institutions such as the United Nations and a number of others that have come together for the purpose of peace, the purpose of mutual security and the purpose of letting other nations that pursue a path of destruction, that pursue a path of developing weapons of mass destruction and that threaten their neighbours know that we will stand tall, that we will stand together to meet these kinds of challenges.

I want to express my appreciation to Mr. Blix and Mr. ElBaradei for their statements this morning. They took up a difficult challenge when they went back into Iraq last fall in pursuit of disarmament, as required by resolution 1441 (2002). I listened very attentively to all they said this morning, and I am pleased that there have been improvements with respect to process. I am pleased that there have been improvements with respect to not having five minders with each inspectors, but fewer than five minders with each inspector. But I think they are still being minded; they are still being watched; they are still being bugged. They still do not have the freedom of access around Iraq that they need in order to do their job well.

I am pleased that a few people have come forward for interviews. But not all the people who should be coming forward for interviews are doing so, or have the freedom to interview in such a way that their safety and the safety of their families can be protected, as required by resolution 1441 (2002). I am glad that access has been relatively good.

But that is all process — it is not substance. I am pleased to hear that decrees have now been issued that should have been issued years and years ago. But does anyone really think that a decree from Saddam Hussain — directed to whom? — is going to fundamentally change the situation? And it comes out on a morning when we are moving forward down the path laid out by resolution 1441 (2002). These are all process issues. These are all tricks that are being played on us.

They say that new commissions are being formed that will go and find materials that they claim are not there in the first place. Can anybody honestly believe that either one of those two new commissions will actively seek out information that they have been actively trying to deny to the world community, to the inspectors, for the past 11-plus years?

I commend the inspectors. I thank them for what they are doing. But at the same time I have to keep coming back to the point that the inspectors have repeatedly made. They have made it again here this morning; they have been making it for the past 11-plus years. What we need is not more inspections, not more immediate access; what we need is immediate, active, unconditional, full cooperation on the part of Iraq. What we need is for Iraq to disarm.

Resolution 1441 (2002) was not about inspections. Let me say that again: resolution 1441 (2002) was not about inspections. Resolution 1441 (2002) was about the disarmament of Iraq. We worked on that resolution for seven weeks, from the time of President Bush's powerful speech here in the General Assembly on 12 September until the resolution was adopted on 8 November. We had intense discussions. All of you are familiar with that; you participated in those discussions. That was about disarmament.

The resolution began with the clear statement that Iraq had been in material breach of its obligations for the previous 11 years, and remained to that day — the day the resolution was adopted — in material breach. The resolution said that Iraq must now come into compliance; it must disarm. The resolution went on to say that we wanted to see a declaration from Iraq, within 30 days, of all of its activities. "Put it all on the table; let us see what you have been doing. Give us a declaration that we can believe in that is full, complete and accurate" — that is what we said to Iraq on 8 November. And some 29 days later we got 12,000 pages. Nobody in this Council can say that that was a full, complete or accurate declaration.

Now it is several months after that declaration was submitted, and I have heard nothing to suggest that they have filled in the gaps that were in that declaration, or that they have added new evidence that should give us any comfort that we have a full, complete and accurate declaration. You will recall that we put that declaration requirement into the resolution as an early test of Iraq's seriousness. Are they serious? Are they going to disarm? Are they going to comply? Are they going to cooperate? The answer, with that declaration, was, "No — we are going to see what we can get away with. We will see how much we can slip under your nose. And everybody will clap, and say

'Isn't that wonderful; they provided a declaration'" — a declaration that was not of any particular use.

We then had some level of acceptance of the fact that inspectors were going back in. Recall that Iraq tried to use that gambit right after the President's speech in September to try to keep resolution 1441 (2002) from ever coming down the pipe. Suddenly, on the Monday after the President's speech, they said, "Oh! We'll let inspectors back in". Why? Because when the President spoke, and when Iraq saw that the international community was now coming together with seriousness and with determination, it knew it had better do something. It did not do it out of the goodness of its heart, or because it suddenly discovered that it had been in violation for all those years. They did it because of pressure. They did it because this Council stood firm. They did it because the international community said, "Enough! We will not tolerate Iraq continuing to have weapons of mass destruction to be used against its own people, to be used against its neighbours — or worse, if we find a post-11 September nexus between Iraq and terrorist organizations that are looking for just such weapons." And I would submit — and will provide more evidence — that such connections are now emerging. We can establish that they exist.

We cannot wait for one of these terrible weapons to show up in one of our cities and wonder where it came from after it has been detonated by Al-Qaeda or somebody else. This is the time to go after this source of this kind of weaponry.

And that is what resolution 1441 (2002) was all about. To this day we have not seen the level of cooperation that was expected, anticipated and hoped for — I hoped for it. No one worked harder than the United States. And I submit that no one worked harder — if I may humbly say so — than I did to try to put forward a resolution that would show the determination of the international community to the leadership in Iraq so that they would now meet their obligations and come clean and comply. And they did not. Notwithstanding all of the discussion that we have heard so far this morning about, "Give inspections more time; let's have more airplanes flying over; let's have more inspectors added to the inspection process" — Mr. Blix noted earlier this week that it is not more inspectors that are needed. What is needed is what both Mr. Blix and Mr. ElBaradei have said, what has been needed since 1991: immediate, active, unconditional compliance and cooperation.

I am pleased that Iraq is now discussing this matter with South Africa. But it is not brain surgery. South Africa knows how to do it. Anybody knows how to do it. If we were getting the kind of cooperation that we expected when resolution 1441 (2002) was passed and that we hoped for when resolution 1441 (2002) was passed, these documents would be flooding out of homes, flooding out of factories. There would be no question about access. There would be no question about interviews. If Iraq were serious in this matter, interviewees would be standing up outside the offices of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA), in Baghdad and elsewhere, waiting to be interviewed because they would be determined to prove to the world, to give the world all the evidence needed that these weapons of mass destruction are gone.

Notwithstanding all of the lovely rhetoric, the questions remain. Some of my colleagues have talked about them. We have not accounted for the anthrax. We have not accounted for the botulinum, the VX, bulk biological agents, growth media, 30,000 chemical and biological munitions. These are not trivial matters one can just ignore and walk away from and say "Well, maybe the inspectors will find them, maybe they won't". We have not had a complete, accurate declaration. We have seen the reconstitution of casting chambers for missiles. Why? Because they are still trying to develop these weapons. We have not seen the kind of cooperation that was anticipated, expected and demanded by this body. And we must continue to demand it; we must continue to put pressure on Iraq and to put force upon Iraq to make sure that the threat of force is not removed, because resolution 1441 (2002) was all about compliance, not inspections. The inspections were put in as a way, of course, to assist Iraq in coming forward and complying; in order to verify; in order to monitor, as the chief inspector noted.

But we still have an incomplete answer from Iraq. We are facing a difficult situation. More inspectors? Sorry, that is not the answer. What we need is immediate cooperation. Time? How much time does it take to say, "I understand the will of the international community, and I and my regime are laying it all out for you" and not playing "guess", not forming commissions, not issuing decrees, not getting laws that

should have been passed years ago suddenly passed on the day when we are meeting. These are not responsible actions on the part of Iraq. These are continued efforts to deceive, to deny, to divert, to throw us off the trail, to throw us off the path.

The resolution anticipated this kind of response from Iraq. That is why in all of our discussions about that resolution we said, "They are in material breach. If they come into a new material breach with a false declaration or are not willing to cooperate and comply, as operative paragraph 4 says, then the matter has to be referred to the Council for serious consequences." I submit that notwithstanding the improvements in process that we have noted — and I welcome this, and thank the inspectors for their hard work — these improvements in process do not move us away from the central problem that we continue to have. And more inspections and a longer inspection period will not move us away from the central issue, the central problem we are facing. And that central problem is that Iraq has failed to comply with resolution 1441 (2002).

The threat of force must remain. Force should always be a last resort. I have preached this for most of my professional life as a soldier and as a diplomat. But it must be a resort. We cannot allow this process to be endlessly strung out, as Iraq is trying to do right now: "String it out long enough and the world will start looking in other directions. The Security Council will move on. We will get away with it again."

My friends, they cannot be allowed to get away with it again. We are now in a situation where Iraq's continued non-compliance and failure to cooperate, it seems to me in the clearest terms, require this Council to begin to think through the consequences of walking away from this problem or the reality that we have to face this problem and that in the very near future we will have to consider whether or not we have reached that point where this Council must face this issue — as distasteful as it may be and as reluctant as we may be. So many of you would rather not have to face this issue, but it is an issue that must be faced. And that issue is whether or not it is time to consider serious consequences of the kind intended by resolution 1441 (2002). The reason we must not look away from it is because these are terrible weapons. We are talking about weapons that will kill not a few people, not 100 people, not 1,000 people, but could kill tens of thousands of people if these weapons got into the wrong hands.

The security of the region, the hopes for the people of Iraq themselves, and our security rest upon us meeting our responsibilities and, if it comes to it, invoking the serious consequences called for in resolution 1441 (2002). Resolution 1441 (2002) is about disarmament and compliance and not merely a process of inspections that goes on forever without ever resolving the basic problem.

The President: I now call on His Excellency Mr. Igor S. Ivanov, Minister for Foreign Affairs of the Russian Federation.

Mr. Ivanov (Russian Federation) (*spoke in Russian*): Our meeting today is in its way a unique occasion in the history of the United Nations. The Security Council is meeting again as an urgent matter at the level of Ministers for Foreign Affairs to seek a solution to a most acute problem: a settlement of the situation concerning Iraq. This fact is further evidence that the world community sees the United Nations as the most suitable mechanism for settling the most burning issues facing the world today.

For it is precisely within the United Nations and the Security Council that all States have an opportunity, on an equal footing, to seek solutions to problems involving the interests of general security. That is why, with each additional meeting of the Security Council, the international community is further engaging hopes for strengthening the unity and solidarity of States in the face of common threats and challenges.

The reports today by Mr. Blix and Mr. ElBaradei, whom we welcome and whom we thank for the enormous amount of useful work that they are doing, have shown very clearly that in Iraq a unique potential has been established in the area of inspections and monitoring. I think that, in our discussions and conclusions, we should be guided not by feelings, emotions, sympathies or antipathy with respect to any particular regime. Rather, we should be guided by the actual facts and, on the basis of those facts, should draw our conclusions. This is why we supported the inspectors' return to Iraq and why we must continue to provide them with all necessary assistance. It is only on the basis of the professional data they provide us with that we can, without making a mistake, come to a correct conclusion.

The international inspections, carried out daily, are proceeding smoothly with Iraqi cooperation. There

is unimpeded access to all sites, including the most sensitive sites, as required under resolution 1441 (2002).

During the last visit of Mr. Blix and Mr. ElBaradei to Baghdad, substantial progress was made, and we cannot disregard that. Now there is no obstacle to aerial monitoring of Iraqi territory, using the American U-2, the French Mirage IV and the Russian Antonov.

The situation is improving with regard to interviews with Iraqi scientists. They are now being held without minders. The Iraqis have provided to UNMOVIC a number of new documents about past military programmes and have also set up two commissions to search for additional materials.

We simply cannot ignore these facts. We can think back to our meeting of 5 February, when these matters were discussed as pending, and we asked Iraq to resolve them. Thanks to the last visit by Mr. Blix and Mr. ElBaradei these matters have now been resolved. In fact there is forward movement which, I repeat, we must not ignore.

We strongly urge Baghdad to further increase its cooperation with the international inspectors. After all, this is first and foremost in its own interest. Clearly, UNMOVIC and IAEA have the necessary conditions to carry out the tasks assigned to them. As far as we know, nobody is proposing changing the mandate of UNMOVIC or IAEA or introducing any changes into the unanimously adopted resolution 1441 (2002). But all States — or at least the overwhelming majority of States in the world — are saying the United Nations Security Council must continue to provide the inspectors with all the support they need.

At the same time, however, the work of the inspectors must be made more systematic and focused. It is necessary to set clear tasks and then consistently monitor their implementation. In this connection I would like to recall the responsibilities of the inspectors as enshrined in resolution 1284 (1999), according to which UNMOVIC and IAEA are to submit for Security Council approval their work programme, including the list of key disarmament tasks. The adoption of such a programme would provide us with objective criteria, not only for assessing the degree of Baghdad's cooperation with the United Nations, but, most importantly, for helping us answer whether Iraq is today a threat to international peace and security, and, if so, what specifically must be done to remove that threat. This work programme must be submitted as soon as possible.

Mr. Blix and Mr. ElBaradei may be asked small questions of clarification. But there is one point of principle we must all answer: must the UNMOVIC and IAEA inspectors continue their work in Iraq in the interest of a political settlement, and have all the necessary conditions to that end been met? Russia answers "yes" to that question. Yes, the conditions are there; yes, the inspectors must continue their inspections. This position is shared by the overwhelming majority of States in the world, including within the Security Council.

We have a unique opportunity to reach agreement on how to solve this most urgent international problem through political means, in strict accordance with the United Nations Charter. This is a real opportunity, and it must not be missed. Force may be resorted to, but only when all other remedies have been exhausted. As may be seen from today's discussion, we have not yet reached that point. I hope we will not reach that point.

We are all fully aware of the exceptional responsibility placed on us by the international community in accordance with the United Nations Charter. Our energies today must therefore be directed not to competing against each other, but rather to uniting our efforts.

It is symbolic that today's meeting is being held on St. Valentine's Day. This is a day when people get engaged, cementing their greatest hopes. It is our hope we will be able to do likewise.

The President: I now call on His Excellency Mr. Luis Ernesto Derbez, Minister for Foreign Affairs of Mexico.

Mr. Derbez (Mexico) (*spoke in Spanish*): Throughout the entire inspection process Mexico has clearly expressed its confidence in the impartiality, professionalism, seriousness and constructive spirit in which Mr. Blix and Mr. ElBaradei's teams are working. On this occasion, having heard their reports, we reiterate that confidence.

In the report presented today we see a degree of improvement in the working conditions under which the inspectors are operating. In the past three weeks Iraq has changed its position regarding aerial reconnaissance and interviews with scientists and has

provided documentation that could clarify pending questions. At the same time, a decree has been enacted in Iraq that prohibits the importing and production of materials that could be used for producing weapons of mass destruction.

Just as it is clear that today's report indicates some improvement in Iraq's attitude, it is also clear that the Iraqi Government continues to evade its international responsibilities. It has yet to respond to repeated appeals made by the international community under resolution 1441 (2002) that it cooperate unconditionally in achieving the disarmament requested.

The international community is calling for genuine and verifiable disarmament and wants to know precisely, if this is the case, where and how Iraq destroyed its arsenals of chemical and biological weapons, the location of installations where this type of weapons was produced and their current status. At least one fact is irrefutable. It has been proven that in the last two wars in which Iraq participated, it possessed and used this type of weapons. Now the international community demands to know the whereabouts of these arsenals or to have evidence of their effective destruction.

As on few occasions in the history of the United Nations, Security Council members have applied themselves to finding alternative means leading to the shared goal of dismantling Iraq's arsenals of mass destruction. We are united in attaining this goal but increasingly divided as to the most effective and least costly manner by which it may be achieved. The different approaches and proposals have been discussed and considered in the spirit of preserving the unity of the Security Council, for in the Council lies the strength of a system of collective security, which the United Nations is.

Within the framework of those deliberations, Mexico's contribution has been oriented towards preserving that consensus and exploring peaceful and multilateral ways to bring about the verifiable, immediate and effective disarmament of Iraq. That is why, after having heard the reports of Mr. Blix and Mr. ElBaradei this morning, we reaffirm our confidence in inspections as the mechanism approved by the international community to detect and destroy the weapons of mass destruction in that country. If those inspections have not thus far yielded the hoped-for results, the Security Council's primary task is to ensure that they fulfil their mission. We cannot fail to stress that Iraq will have to change its attitude drastically in order to take full advantage of the last opportunity offered to it by this body.

Mexico is especially concerned about the damage that this conflict is already causing at the political and economic levels and with regard to the world's social tranquillity. In a very few weeks, signs of international political polarization have appeared as the international economy suffers the consequences of anxiety and uncertainty. In Mexico, we are not immune — much less indifferent — to those effects. The disarmament of Iraq, under a process that unequivocally allows its absolute compliance, would help to alleviate those signs of tension and would provide certainty to the global economy. In that endeavour, we must make greater efforts; we must revitalize the values of peace as the principal formula to discredit terrorism.

Mexico reaffirms its full confidence in the United Nations to settle international disputes, in exhausting all peaceful means available to us and, above all, in strengthening the values that gave rise to the Organization and that are more relevant than ever in the light of the current dilemmas.

Mr. Traoré (Guinea) (*spoke in French*): My delegation is pleased that this additional Security Council meeting on the Iraqi question is open to all Members of the Organization. This welcome initiative offers the international community an opportunity to be directly associated with recent developments in the Iraqi situation, which is so worrisome.

We listened with interest to the instructive assessment of the state of inspections just made by Mr. Blix and Mr. ElBaradei, whom my delegation thanks. In the light of that assessment, we note that progress has certainly been made since their progress report in late January, but that many pending issues remain. One element of the progress is that inspectors have been able to interview five Iraqi scientists without minders. The restrictions that had been imposed until now on reconnaissance flights by U-2 aircraft have been lifted. Legislation banning the production of weapons of mass destruction has, I believe, just been approved.

My delegation appreciates those facts, which we consider a beginning of active cooperation by Iraq. However, the discovery of significant quantities of

anthrax and mustard gas, albeit destroyed, the development of a programme for missiles with a range beyond the authorized 150 kilometres and the submission to the inspectors of further documents on pending issues that were not included in the 7 December 2002 declaration all give rise to new questions.

Yet, despite that, my delegation, which appreciates the progress made thus far by the inspectors, advocates continued inspections, although we believe that they should not be continued indefinitely. In the current state of affairs, a reasonable amount of additional time would assist in the search for a consensus that could bring together — as one must note — the very divergent points of view expressed around this table.

My country, Guinea, is concerned at the abrupt rise in tension within the international community concerning the Iraqi crisis. Yet everyone agrees on the essential point: the disarmament of Iraq. But how to bring it about? That is the great question — hence the divergent views on what path to follow. That is why my country appeals for a swift beginning of direct and constructive dialogue among Security Council members so that we can move beyond this climate of tension, which could deal a harsh blow to the United Nations system. I am sure everyone will agree that that would not be in anyone's interest.

Very useful ideas with a view to a positive resolution of the crisis have just been expressed in this Chamber by eminent personalities. Taking careful note of those ideas, my delegation wants to emphasize Iraq's obligation to finally agree to cooperate immediately and actively, in strict conformity with the relevant Security Council resolutions, particularly resolution 1441 (2002). Iraq must end its delaying tactics; a peaceful settlement of the crisis depends on that.

We reaffirm our confidence in Mr. Blix and Mr. ElBaradei and in their respective teams, who have demonstrated professionalism in carrying out their mandate. They can be assured of our full support. We urge them to continue their efforts with a view to exploring all the possibilities offered by the inspections process.

In conclusion, I should like to reiterate that the Council must continue to work in unity, which is the only way to attain our goal. We must not lose sight of that imperative, because — above and beyond the unity of the Council — it is the future of the Organization that is at stake.

Mr. Akram (Pakistan): Everyone acknowledges that this is a decisive moment for the Security Council and for international peace and security. The importance of this meeting is evident, Sir, from your presence here to preside over the proceedings of the Security Council and from the participation of nine other Foreign Ministers.

The Pakistan delegation has listened to the latest reports from Mr. Blix and Mr. ElBaradei, and we are grateful to them for having once again made the journey to provide us with the latest update on the situation. Those reports indicate some important developments since 27 January, and they also indicate what remains to be done. The Iraqi Government has responded positively to the three benchmarks on process identified by Mr. Blix: acceptance of aerial surveillance, interviews without minders, and the adoption of national legislation. There were also responses concerning substantive issues — for example, the record of destruction of munitions.

Of course, as both Mr. Blix and Mr. ElBaradei have made clear, there are a significant number of questions and concerns that remain outstanding and that must be addressed. Mr. Blix continues to see a serious attitude on Iraq's part towards cooperation on process, with greater cooperation required on substance. It continues to be Mr. ElBaradei's assessment that it is possible to disarm Iraq through inspections. Of course, it is understandable that the patience of some important members of the Security Council is running out. It has been 12 years that United Nations inspectors have had the job of seeking out Iraq's weapons of mass destruction capabilities.

The intention of resolution 1441 (2002) was that this process of discovery and destruction would be accelerated. At the same time, we have also noted the call to caution in the statement issued by three members of the Council and endorsed by some other Member States. The call by the Security Council in resolution 1441 (2002) was credible because it was unanimous. Iraq's new cooperation was due in no small measure to the credibility of the Council's determination to secure the elimination of Iraq's weapons of mass destruction.

We believe that the Security Council must maintain this unity of purpose and action. We believe

that there are at present three elements around which the Council can still unite. The first is the general preference, even at this late stage, to secure the elimination of Iraq's weapons of mass destruction through peaceful means.

The second is the conviction that, to achieve this, in the words of resolution 1441 (2002), Iraq will have to offer immediate, active and unconditional cooperation — that is, to actually participate in the destruction of its weapons of mass destruction capabilities and to credibly demonstrate to the inspectors of UNMOVIC that these weapons have been destroyed. We believe that such cooperation would be in Iraq's supreme interests. We are open to proposals for strengthening the inspections mechanisms if that can serve to accelerate the process.

The third is the readiness to allow some more time to achieve the peaceful elimination of Iraq's weapons of mass destruction, but consistent with the spirit and sense of resolution 1441 (2002). Mr. Blix has said that, with Iraq's immediate, active and unconditional cooperation, that time could be relatively short.

Obviously, all people of good will desire that all the possibilities for a peaceful resolution of this crisis should be exhausted before the Council may decide to bring into play the enforcement mechanism. The decision to use force cannot be an easy one for anyone. For Pakistan, an Islamic country of the region, such a decision will be a most difficult one and we would therefore like to see every effort exhausted for a peaceful resolution of this crisis.

Pakistan attaches the highest importance to the preservation of the unity and territorial integrity of Iraq. We have a stake in the preservation of peace and stability in the entire region. For us, the primary concern is the well-being and welfare of the Iraqi people. We must make every possible effort to ensure that the suffering of the Iraqi people is not further exacerbated. Indeed, our aim must be to bring an end to the suffering of the Iraqi people. We trust and hope that the Iraqi leadership will also put its people first.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): My delegation welcomes the presence of the Secretary-General at today's debate in the Council, the importance of which is obvious.

I also wish to thank Mr. Blix and Mr. ElBaradei for their reports following their recent mission to Baghdad. My delegation believes that they have worked well and, all told, the results are interesting. If we compare their reports on 27 January to those of today, we note significant developments that essentially result from the wise and reasonable choice made by the Iraqi authorities at last to begin cooperating fully with the United Nations inspections teams. Thus, I note important progress on the question of interviews conducted within Iraq. I also note that the problem of air surveillance by U-2 aeroplanes has been virtually resolved. Lastly, I note and welcome the fact that Iraq has just enacted legislation prohibiting illicit activities on its territory of a chemical, biological or nuclear nature.

In spite of these results, which we welcome, unresolved questions remain, as reflected in the United Nations Special Commission report and the Amorim report, particularly with regard to the chemical and biological areas and to delivery systems, in particular missiles. Specifically with regard to missiles, my delegation notes from today's reports that it has been clearly established that the range of the Al Samoud 2 missiles manufactured by Iraq is far beyond the 150 kilometres authorized by the relevant resolutions of the Security Council, in particular resolution 687 (1991). We must agree that this is regrettable, since its contradicts the Iraqi declaration of 7 December 2002.

In these circumstances, it is now up to our Council to address this non-compliance, a matter that until now had been raised on a regular basis but had never before been so clearly established.

During the ministerial meeting of 5 February, the United States delegation also raised the issue of small unmanned aircraft that could be used to deliver biological weapons. It also referred to other pending issues. My delegation should like to hear from Mr. Blix about the information provided by Baghdad in this regard.

Cameroon believes that the documentation submitted by Iraq to the heads of the inspection teams last weekend could contain clarifications on the main questions asked by the Council regarding the chemical and biological weapons possessed by that country at one time or another. The delegation of Cameroon hopes that, if it is not possible to obtain a copy of all those documents, Mr. Blix will soon be able to provide us in

writing with a summary of them, accompanied of course by his comments and assessments.

At this stage of the implementation of resolution 1441 (2002), I wish to emphasize on behalf of my delegation the need for the Security Council to continue to safeguard, as it has in the recent past, its unity and cohesion.

The progress made by the recent Blix-ElBaradei mission reflects a noticeable change in the Iraqi attitude. Cameroon recognizes and welcomes this positive development. It is fitting to recall, however, that, as the Secretary-General has said, we owe this result, as we do the return of inspectors to Iraq, to a great extent to the demands of President Bush, to the broad collective pressure exerted by the Security Council, and to the staunch determination of a strong and united Council.

The discord, the cacophony, indeed the confusion surrounding us in recent days can only harm our effectiveness. The Security Council in its work has accustomed us to certain means of reaching agreement and communicating that in our view are completely in line with the transparency expected of this body by other Member States and by international public opinion.

I therefore note, as others have, and rather regret, that this seems to be the time for everybody to find out who their friends are. But Cameroon, a country that is open, pluralistic and diverse within its borders has projected that very diversity and spirit of openness into its international relations. It is therefore normal and natural that Cameroon counts all members of the Council among its friends. I need say no more.

My country, which is in favour of a peaceful settlement of the question of the disarmament of Iraq of weapons of mass destruction, is trying to take a pragmatic and realistic approach. Indeed, Cameroon believes that at this stage a peaceful settlement of this situation depends above all on Iraq's determination to cooperate fully and actively with the inspectors.

In our consultations, Mr. Blix and Mr. ElBaradei clearly indicated to us that they expected, beyond formal cooperation, that Iraq show unfailing resolve and the firmest political will for future cooperation with the inspection teams. Cameroon shares this view and strongly urges Iraq to continue on the course that it has at last been taking since 9 February.

Like other members of the Council, Cameroon received from the French delegation a few days ago a copy of a non-paper addressed to the heads of the inspection teams. I wish at this meeting to thank France for this contribution, which we welcome. It deserves attention and will undoubtedly be useful to our deliberations. At the present stage, my country is carefully studying its content while awaiting, of course, the objective opinion of the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA), to which the non-paper is addressed.

I would like to emphasize in this regard that in our previous consultations, Cameroon had raised the possibility of more robust inspections, subject to a certain number of clarifications. I had already asked Mr. Blix a question that I repeat today. What is the key threshold in the number of experts required to conduct robust inspections and what might be the cost, given that, inter alia, there would be a need for particularly effective equipment, both for the inspections per se and for air surveillance?

Iraq's obligation to disarm is at the heart of the ceasefire agreement concluded between that country and the coalition forces at the end of the Gulf war. This is why Cameroon calls for the complete and immediate implementation of resolution 1441 (2002). We adopted this resolution unanimously. It governs us. It is the basis for our current action. But for the mechanism provided for by resolution 1441 (2002) to function, there is a vital element — a key element — which is, as we have said time and again and as we repeat today, immediate, active and complete cooperation by the Iraqi authorities with the inspectors.

That is the only way for those authorities to demonstrate their sincerity and good faith and to spare the world another conflict. Such a conflict can only worsen the suffering of the Iraqi people — the principal if not the only victim of the evasion and deception of the Baghdad authorities. As we have said this in this Chamber, that is the only way for the Iraqi authorities to enable their country to recover its identity and once again to become faithful to its calling and to its name, Iraq, which means the country of water, and hence the country of life.

It is clear that further non-compliance by Iraq with the demands of the Security Council would be one violation too many, and the Iraqi authorities would

leave the Council, when its patience came to an end, no other choice but to adopt, in unity and cohesion appropriate measures to have its decisions respected in accordance with the provisions of the Charter.

I wish in conclusion once again to appeal to members of the Council for unity and cohesion in these grave circumstances and at this crucial stage. The credibility of the Council, and hence of the United Nations, could suffer if in the future we cannot remain reasonable. Cameroon agrees with the Secretary-General:

> "In my experience, it always [faces up to its responsibilities] best and most effectively when its members work in unison ...
>
> "If the Council stands united — as it did in adopting resolution 1441 (2002) — it will have a greater impact, and a better chance of achieving its objective, which must be a comprehensive solution that brings the Iraqi people, who have suffered so much, fully back into the international community." (*Press release SG/SM/8600*)

The maintenance of peace and security is a very delicate and serious mission. It requires that at all times those who are responsible for it transcend their differences and act only in the interest of peace.

Mr. Gaspar Martins (Angola): I wish to start by expressing our appreciation to Mr. Blix and Mr. ElBaradei for their reports today. Their reports, I hope, will help to ease the severe tension we are facing in the world today.

The Security Council is meeting once again to discuss Iraq. The Government of Iraq has been the subject of several Security Council resolutions aimed at curbing its perceived threat to international peace and security. This is the third time this year that the Security Council has been called upon to consider this matter.

As we are all aware, my country experienced three decades of war, a war that inflicted a great deal of suffering and destruction on Angolans. Thus, it is pleasing that the reports we have just received provide us with a beacon of hope that we can indeed save the world from imminent conflict. The collective efforts of the Council, combined with strong military and diplomatic pressure, have increased Iraq's level of cooperation with the international inspectors. In the process, not only have we strengthened the inspections regime, but we have also strengthened our ability to carry out the pivotal portion of our mandate — that is, to save our world from the scourge of war.

Simultaneously, we advance the cause of multilateralism by translating the consensual will of the international community in its desire, peacefully, but with determination, to disarm Iraq.

On behalf of my Government, I would like to reiterate our confidence in the inspectors of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) and to thank them for the progress that has been achieved so far, since the renewal of their respective mandates. Similarly, I would like to thank Member States for their many contributions, both material and diplomatic, to this process. These have been instrumental in reinforcing and enhancing the effectiveness of the inspections. In that regard, my Government particularly acknowledges the presentation by United States Secretary of State Powell, and I echo the sentiment of my Government and my continent by stating that this progress represents what can be achieved by diplomacy backed by a credible willingness to act.

In this connection, I welcome Iraq's acceptance of the offer by South Africa to assist in cooperation with the inspections, based on the South African experience of disarming peacefully. Africa has adopted a clear position on the question of disarming Iraq by peaceful means. Moreover, African countries decided to free their continent from weapons of mass destruction, an example that could be followed by the countries in the Middle East region.

Clearly, there is much more to be done. Unfortunately, we are unable at this time to state that Iraq is free from weapons of mass destruction or that it has embarked on an irreversible road to construct a society free from weapons of mass destruction programmes. However, we are equally unable to state unequivocally that Iraq is fully armed with weapons of mass destruction or other weapons that pose a clear and impending threat to international peace and security. What we are able to state unequivocally is that the international community has sent a clear message to the Government of Iraq. That is why the Council unanimously adopted resolution 1441 (2002), backed by a credible willingness to use force to see to its implementation.

The positive result is that we have been able to secure Iraq's cooperation concretely, as reported to us this morning by the inspectors, such as the authorization of the use of U-2 planes, interviews with scientists and more documentation on its arms programmes. In addition, legislation has been enacted to effect the outlawing of such programmes in future, as confirmed by the inspectors this morning. This proves that Iraq is capable of cooperation with the international community and can act if there is determined pressure by the community acting within the confines of our mandate. This serves as an example of the progress that can be achieved when the Security Council speaks with one voice, reflecting the consensus and determination of the international community. The adoption of resolution 1441 (2002) was a clear demonstration of that.

The use of force today would deprive us of valuable information that could be gathered from U-2 flights and of information derived from interviews with scientists and from the additional documentation provided by Iraq. Such information constitutes necessary inputs for the intrusive inspections that the Council has demanded. We need to allow sufficient time for the inspectors to gather the necessary information for us to make informed decisions at the appropriate time. Such time is a very valuable investment in peace and multilateralism, and in the validity of the Charter of our universal Organization.

In conclusion, let me say that I am confident that the Council represents a unified coalition of the willing to ensure international peace and security. Our ability to retain the credibility that will enable us to remain relevant to international peace and security in the future is greatly dependent on our ability to weigh carefully the consequences of the measures we choose to take collectively. Whatever the decision may be, it is pivotal that it be based on convincing and far-reaching information. Whatever decision we collectively take must be proportionate to the gravity of the issue before us. That decision need not be popular; but it must reflect the consensus of the Council and must be justified. The consequences of a war clearly outweigh its benefits. I need not remind those present that war represents human nature at its worst.

Mr. Tafrov (Bulgaria) (*spoke in French*): I have the privilege and the great honour of speaking on behalf of another old European country represented in this Chamber, but also on behalf of the sole new European democracy represented on the Security Council. I must add that we are very happy to be so.

Mr. President, I would like to thank you for having organized this open debate, which is taking place just 10 days after the ministerial-level meeting held to listen to information provided to us by the United States Secretary of State, Mr. Colin Powell, relating to Iraq's programmes for the production of weapons of mass destruction and to its links to international terrorism.

These two debates strengthen the central role of the Security Council in the maintenance of international peace and security. They highlight even more the need to preserve its unity and its determination to disarm Iraq. We are very committed to the principle of multilateralism, and Bulgaria welcomes this approach.

As previous delegations have done, I would like to say that we greatly appreciate the intensive, important work being done by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq.

We would like to reaffirm our support for the inspectors as they discharge their mandate, as set out in detail in resolution 1441 (2002). The experience accumulated over the past 12 years by UNMOVIC and IAEA shows that the success of inspections depends largely on the active cooperation of Iraq. It should be recognized that the Baghdad regime tends to yield only when very strong diplomatic and military pressure is brought to bear.

Iraq agreed to the provisions of resolution 1441 (2002) thanks to the united pressure applied by the international community. From that standpoint, the work of the Security Council and the United Nations vis-à-vis the Baghdad regime is still the main factor in ensuring Iraqi cooperation with the inspectors. It is also the principal condition for a peaceful settlement of the crisis.

Bulgaria believes that Iraq's cooperation to date in respect of the full implementation of resolution 1441 (2002) is unsatisfactory. Baghdad imposes conditions, and it shows signs of active cooperation with the inspectors only when pressure is brought to bear by the international community. This prompts us to observe that, unfortunately — as the statements made by the

chief inspectors have confirmed — the Iraqi authorities are still in material breach of resolution 1441 (2002). The philosophy underlying that resolution is that it is up to Iraq, not the inspectors, to achieve disarmament. The inspectors are there to verify that disarmament is taking place. Accordingly, it is essential that Iraq cooperate actively and unconditionally. The burden of proof is on the Iraqi authorities. The Government of Saddam Hussain — not the inspectors — must prove unambiguously that Iraq has no weapons of mass destruction.

The Bulgarian Government is waiting for Iraq to give clear and definitive answers to pending question arising from the IAEA and UNMOVIC reports, as well as answers to questions raised in the statement made by Secretary of State Colin Powell on 5 February. As other delegations have pointed out, the most serious questions relate to chemical and biological weapons.

We are giving careful consideration to the French ideas about how to strengthen the inspections regime in Iraq. We believe that that proposal accords with the Bulgarian position, which has always advocated inspections of maximum effectiveness. We hope that the French ideas, as set out earlier by Foreign Minister Dominique de Villepin, will be one element in an overall Security Council strategy geared towards achieving the disarmament of Iraq. It is clear that one essential element of that strategy is the active cooperation of Iraq.

Bulgaria is in favour of the complete disarmament of Iraq by peaceful means. We should give priority to using all possible means to seek a peaceful settlement of the crisis, including bringing every kind of pressure to bear, both political and military, in order to attain our objective. Bulgaria believes that that goal can still be attained if Iraq immediately agrees to cooperate actively and unconditionally with the inspectors and comes into compliance with the relevant Security Council resolutions, in particular resolution 1441 (2002).

The Security Council has repeatedly warned Iraq of serious consequences if it does not comply with the requirement to disarm. This prompts me to observe that responsibility for any undesirable outcome of the crisis would lie squarely with the authorities in Baghdad.

Any lack — or, worse, complete absence — of unity and determination within the Security Council on the question of the disarmament of Iraq would in the final analysis increase, rather than reduce, the potential risk to international peace and security resulting from the proliferation of weapons of mass destruction. Bulgaria solemnly appeals to the Security Council to stand united. That is an essential condition for a peaceful outcome to the crisis and for averting future threats to international peace and security.

The President: I shall now make a statement in my capacity as Vice Chancellor and Minister for Foreign Affairs of Germany.

I would like to thank Mr. Blix and Mr. ElBaradei for their update on the inspections in Iraq. They have briefed us on the substantial progress of their work, but also on deficits in the Iraqi regime's cooperation with the inspectors. Those deficits must be rectified by Baghdad without delay. Iraq must not be allowed to possess any weapons of mass destruction and must disarm completely. Baghdad must actively and fully cooperate with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) and must comply unconditionally with the requirements of the relevant resolutions.

The inspectors have reported on headway that they have made. The first private interviews with Iraqi experts have taken place without official escorts. The problem of U-2 aerial surveillance has been resolved. Helicopters, drones and Mirage and Antonov aircraft are to be put at UNMOVIC's disposal to ensure comprehensive surveillance from the air.

The inspectors have thus been able to score some successes. Already today their presence on the ground has substantially diminished the danger emanating from Iraq. The need now is to gain experience with the new measures in place and to evaluate them in the light of our common goal of ensuring Iraq's complete disarmament. Why should we now turn away from that path? Why should we now halt the inspections? On the contrary, the inspectors must be given the time they need to successfully complete their mission.

How we proceed from here is laid down by resolutions 1441 (2002) and 1284 (1999). What is crucial are the resolutions' three core elements: full cooperation, inspection and verification.

First, Iraq must cooperate fully, unconditionally and actively with the inspectors if the looming tragedy is to be averted.

Secondly, the inspection regime must be made more efficient. France has made very concrete proposals on how this can be done. These envisage increasing the number of inspection teams and improving the technical resources at their disposal. In addition, the inspectors' capacities for coordination, surveillance and concrete action need to be spelled out precisely and strengthened. We strongly support these proposals, for they help ensure a response more appropriate to the size of the task.

Thirdly, and in parallel with the inspections, the verification and monitoring mechanisms called for in resolution 1284 (1999) need to be developed and expanded. An ongoing, long-term monitoring regime must prevent any future rearmament. We need structures that guarantee Iraq's disarmament and containment on a permanent basis. That is of immense importance for the whole region. Such a reinforced inspection and verification regime could also be of service to the United Nations in other crises involving weapons of mass destruction.

All possible options for resolving the Iraq crisis by peaceful means must be thoroughly explored. Whatever decisions need to be made must be taken by the Security Council alone. It remains the only body internationally authorized to do so.

Military action against Iraq would, in addition to the terrible humanitarian consequences, above all endanger the stability of a tense and troubled region. The consequences for the Near and Middle East could be catastrophic. There should be no automatism leading us to the use of military force. All possible alternatives need to be exhaustively explored. That was once again reaffirmed by the Governments of Russia, France and Germany in a joint declaration issued on Monday. Diplomacy has not yet reached the end of the road.

I resume my function as president of the Security Council, and I now call on His Excellency Mr. Mohammed Aldouri, Permanent Representative of Iraq.

Mr. Aldouri (Iraq) (*spoke in Arabic*): I thank you, Sir, and the Security Council for granting Iraq the opportunity to participate in this meeting and to address the Security Council within the time allotted to us.

I listened very carefully to the presentations by Mr. Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and Mr. ElBaradei, Director General of the International Atomic Energy Agency (IAEA), as well as to the statements of members of the Security Council. I should like to make a number of observations.

Iraq agreed to act on resolution 1441 (2002), based on the fact that it provided a means to reach a solution to the so-called issue of the disarmament of Iraqi weapons of mass destruction. Following three rounds of technical negotiations with the United Nations and the return of inspectors to Iraq, Iraq provided everything that might fall within the concept of proactive Iraqi cooperation.

I should like to note that Iraq submitted the declaration required under paragraph 3 of resolution 1441 (2002) in record time. The declaration contained many documents on previous Iraqi programmes in the nuclear, chemical, biological and ballistic fields. We continue to believe that those documents require in-depth study by the relevant authorities because they contain updated information responding to many questions. We have the right to wonder whether the declaration has been studied with due diligence and thoroughness, or should the declaration be reconsidered as a whole by the relevant parties? We should like the file to be reconsidered in its entirety.

Secondly, Iraq opened its doors to the inspection teams without imposing restrictions or conditions. The entire world was surprised at that unprecedented level of cooperation. We know that some States were not very happy about that cooperation. In fact, some would have wished that Iraq had obstructed inspections or locked some doors. However, that did not and will not happen because Iraq has genuinely decided to prove that it is free of weapons of mass destruction and to dispel all doubts in that regard.

Let me recall what Mr. Blix and Mr. ElBaradei stated this morning. So far, 675 inspections have taken place within Iraq in this short period of time. The inspectors have found no evidence contradicting Iraq's declarations or confirming the allegations made by the United States and the United Kingdom on the presence of proscribed weapons programmes or of the weapons whose presence was alleged by the representative of the United Kingdom this morning.

Thirdly, with respect to the interviews with Iraqi scientists, the Government continues to encourage

scientists to agree to interviews. Lists of the names of additional scientists have been submitted at the request of Mr. Blix and Mr. ElBaradei. Other lists are on the way, as they know.

Fourthly, Iraq has agreed to overflights by U-2, Mirage and Antonov II aircraft in Iraqi airspace for surveillance purposes. While these aircraft are undergoing their missions, it is logical and reasonable for British and United States aeroplanes to cease air strikes because these would affect the security of those missions. Thus, inspectors have six levels of aerial surveillance: satellites, high-altitude U-2 surveillance aircraft, medium-level Mirage aircraft, low-level Antonov II aircraft, and helicopters and other means of aerial surveillance.

With respect to the Iraqi legislation that some have considered to be among the important elements of Iraq's cooperation, Iraq did not take a negative stance in this regard. We had technical and legislative considerations. At any rate, the decree was enacted today in order to put an end to the controversy surrounding this matter. I was surprised to hear some say that the decree was unimportant or late in coming.

With respect to other issues, UNMOVIC, following its establishment, adopted a process that includes assimilating outstanding disarmament issues into the reinforced monitoring system; this was referred to in the organizational plan it submitted to the Security Council in document S/2000/292. However, in order to facilitate UNMOVIC's mission to identify and resolve these issues, Iraq, in its full, comprehensive and updated declaration of 7 December 2002, provided full, important details on these outstanding issues and on the means to resolve them.

Nevertheless, Iraq has begun to cooperate proactively with UNMOVIC, which has recently agreed to discuss these issues with Iraq; we have provided 24 documents concerning many of the outstanding issues. Two commissions of high-ranking Iraqi officials and scientists have been created to consider these issues and provide the information, as requested by Mr. Blix and Mr. ElBaradei on more than one occasion.

After all that, we hear allegations by some not only that has Iraq not cooperated, but that it is in material breach of resolution 1441 (2002). Our question is, where is this material breach? Does it lie in the allegations made by the United States of America at the previous meeting — with which many States worldwide did not agree — or is the matter related to the notion of the proactive cooperation required of Iraq?

Many in this forum have called for proactive cooperation. What is proactive cooperation? If it means that Iraq must show weapons of mass destruction, we would respond with the Arabic proverb that an empty hand has nothing to give. You cannot give what you do not have. If we do not possess such weapons, how can we disarm ourselves? How can such weapons be dismantled when they do not exist?

We agree with those who believe that the best way to resolve these issues is through continuing proactive cooperation with the inspectors. We do not stand with those who want the inspections to fail. I refer to an article *The Washington Post* quoting members of the United States Senate as saying that "We [the U.S. Government] have undermined the inspectors."

With regard to the issue of missiles that has been referred to by many speakers today, I would like to note, for those who are unaware of it, that Iraq declared those missiles in its biennial declaration as well as in its full declaration to the Security Council. The missiles were not discovered by the inspectors. Iraq continues to stress that these missiles, delivered to our armed forces, do not have a range exceeding 150 kilometres. The issue was recently discussed with UNMOVIC experts. Iraq believes that this issue can be resolved with a technical solution. It is therefore illogical to accuse Iraq of having gone beyond the permitted range, as long as Iraq is addressing the issue in a completely transparent manner and as long as its installations and test sites are open and subject to monitoring. In this regard, Iraq would suggest that test firings could be undertaken of a random choice of missiles, in order to ascertain the range. There is ample opportunity for open dialogue between technical parties in Iraq and in UNMOVIC in order to reach a satisfactory solution to this issue.

With regard to the subject of VX and anthrax, which were also mentioned, Iraq has put forward practical proposals to resolve these issues, among other outstanding issues related to VX, anthrax and certain chemical precursors, as well as to information on growth media. Iraq has suggested that one could ascertain the amount of VX and anthrax that has been

destroyed by measuring the dissolved quantities of VX and anthrax at sites where unilateral destruction took place at the beginning of 1991, and that it is possible to extrapolate the quantity destroyed by scientific investigation and by comparing the result with Iraq's declaration. The issue, therefore, needs strenuous effort and persistence, because this is a difficult subject.

At a time when voices worldwide are calling on the United States and the United Kingdom to listen to reason and respect international legitimacy and peace, the United States of America and the United Kingdom continue to mass forces against Iraq and to threaten war in disregard of international law and human rights.

We stress that Iraq has chosen the path of peace. We have opted for solutions that would satisfy the international community. We are prepared to provide all means to assist in making clear the true picture, in order to avoid the objections of those who are ill-intentioned, who wish to start a war in Iraq and the region, and whose clear political and economic objectives would result in incalculable consequences.

We hope that the Security Council will heed the desire of the vast majority of States Members of the United Nations, and allow the inspectors to fulfil their role and carry out their tasks through dialogue and proactive cooperation. That will certainly lead to peace and not war. We also seriously call upon the Security Council to consider lifting the unjust embargo imposed on Iraq and to rise to its commitments by respecting Iraq's sovereignty, independence and territorial integrity. We call upon the Council to continue to work towards the elimination of all weapons of mass destruction in the entire Middle East, in implementation of paragraph 14 of resolution 687 (1991).

The President: There are no further speakers on my list. Before adjourning the meeting I remind Council members of the private meeting that will follow shortly after this meeting. As agreed earlier, the private meeting will accord an opportunity to Council members to further exchange their views on the issue before the Council. I therefore invite all non-Council members, observers and media personnel to leave the Chamber. We will recess for 15 minutes before our private meeting.

The meeting rose at 1.50 p.m.

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Official communiqué of the 4708th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Friday, 14 February 2003, at 2.25 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record.

At its 4708th meeting, held in private on 14 February 2003, the Security Council considered the item entitled "The situation between Iraq and Kuwait".

The President, with the consent of the Council, extended invitations under rule 39 of the Council's provisional rules of procedure to Dr. Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission and Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency.

The members of the Council, Dr. Blix and Dr. ElBaradei had a constructive exchange of views.

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